No. 18-281

In the
Supreme Court of the United States

VIRGINIA HOUSE OF DELEGATES, M. KIRKLAND COX,
Appellants,

v.

GOLDEN BETHUNE-HILL, et al.,
Appellees.

On Appeal from the United States District Court for the Eastern District of Virginia

JOINT APPENDIX
Volume II of IX

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COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES CONDUCTED ON MONDAY, APRIL 4, 2011

2011 SPECIAL SESSION I
VIRGINIA HOUSE OF DELEGATES
REDISTRICTING FLOOR DEBATES
Monday, April 4, 2011

Job#: 82096
Pages 1 - 51
Transcribed by: Daphne Hurley

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[2] APPEARANCES

Rev. Anne N. Gimenez - Rock Church, Virginia Beach

DELEGATES PRESENT:

M. Kirkland Cox - Colonial Heights (R-66)

John A. Cosgrove - Chesapeake (R-78)

Joe Morrissey - Henrico (D-74)

S. Chris Jones - Suffolk (R-76)

Jeion A. Ward - Hampton (D-92)

Lionell Spruill, Sr. - Chesapeake (D-77)

Rosalyn R. Dance - Petersburg (D-63)

Tony O. Wilt - Rockingham (R-26)

Lynwood W. Lewis, Jr. - Accomack (D-100)

R.B. Bell - Albemarle (R-58)

[3] THE COURT: The House will come to order. Members, please take your seats.

Sergeant-at-Arms.

SERGEANT-AT-ARMS: The House of Delegates in now in session. All persons not entitled to privileges of the floor, please retire to the gallery.

THE SPEAKER: The members will rise and be led in prayer by the Reverend Anne N. Gimenez, senior pastor of the Rock Church in Virginia Beach, and remain standing for the Pledge of the Allegiance to the flag of the United States of America, which will be led by the gentleman from Colonial Heights, Mr. Cox.

PASTOR GIMENEZ: Dear Heavenly Father, we pause and thank you for a nation that allows us the privilege to pray for your blessings, to rest on our legislators, as well as to pray that each legislative session be filled with your presence.

Father, we ask you to bless this governing assembled here today with your wisdom, peace and creative solutions to the vast problems and issues [4] that face our Commonwealth and our nation today as we live in turbulent and often confusing times. Father, we ask you to guide them in discussions that do not divide them, but instead will heal all divisions that might already exist or try to develop as they consider each action that must be taken on behalf of your Commonwealth.

We also humbly request that you be so ever present with each legislator, not just on this floor; but in their offices, cars, homes. That they sense your answers, your direction and your methods to successfully implement each answer that you provide.

Father, we ask that your love, compassion and desire for all men to be free and to know you in your fullness be the guideline for all they enact.

Father, as they must make difficult discussions in regards to what they fund and what they will not, please let your standards be their gold standard as they formulate the actions they will take.

Father, may your manifest presence fill our [5] Commonwealth with peace and renewed desire for your justice and principles to prevail in all aspects of our society.

As this great Commonwealth was the original gateway to the first settlement of this nation and was as well the place it was first dedicated to your service, may this legislative session be the gateway for national change that will ensure this nation will always be one nation, under God, indivisible, with liberty and justice for all. And Father, may you bless and direct this august body to secure and enable that first dedication of its founding settlers to be the banner under which we and this nation live.

We further ask that you protect each legislator and their staff as they go about their duties; that they may serve without fear or worry, knowing that your hands surround them.

We further request that you protect all their families, protect for all–provide for all their needs as these legislators and staff members serve here away from their homes and on behalf of all of [6] our citizens of the great Commonwealth of Virginia. Amen.

DELEGATES: Amen.

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one

nation, under God, indivisible, with liberty and justice for all.

THE SPEAKER: The House will come to order. The members will answer the roll call by indicating their presence on the electronic voting board.

(Applause.)

THE SPEAKER: The Clerk will close the roll. The Clerk will close the roll.

THE CLERK: Mr. Speaker, a quorum is present.

THE SPEAKER: Pursuant to House Rule 3 I've examined and approved the Journal of the House of Delegates for February 27th, 2011. Motions and resolutions under Rule 39 are now in order.

Does the Clerk have any announcements or communications?

THE CLERK: Yes, sir, Mr. Speaker, I do.

[7] Communication from the Speaker dated March 9th, 2011 to the Clerk of the House of Delegates.

"Due to the resignation of Thomas D. Gear and the subsequent election of Gordon C. Helsel, Jr., I have made the following committee assignments and changes effective today.

"Clifford L. Athey, Jr. removed from the Committee on Health, Welfare & Institutions.

Gordon C. Helsel, Jr. appointed to the Committee on Health, Welfare & Institutions and the Committee on Science & Technology,

"Sincerely, William J. Howell, Speaker."

Mr. Speaker, meetings for Monday afternoon, April 4th, Privileges & Elections Committee will meet at 4:00 p.m. this afternoon in House Room C.

And the final announcement, Mr. Speaker, pursuant to the provisions of House Bill

Resolution 5002 members desiring to introduce either a commending or a memorial resolution must first get unanimous consent by the House to introduce a memorial or commending resolution. Again, if members wish to introduce a [8] memorial or commending resolution you must first get unanimous consent to introduce such to the House.

Mr. Speaker, that concludes the announcements and communications that I have.

THE SPEAKER: Thank you. The gentleman from Henrico, Mr. Janis.

DEL. JANIS: I rise for the purpose of a motion.

THE SPEAKER: The gentleman may state it.

DEL. JANIS: Thank you, Mr. Speaker, Members of the House. On behalf of myself and the gentleman from Richmond City, Mr. Loupassi, I would, I would request permission, unanimous consent to introduce a commending resolution commending St. Christopher's School wrestling team.

THE SPEAKER: Is that a Rule 69 thing for you? The gentleman from Henrico, Mr. Janis, asks for unanimous consent to introduce a commending resolution. As many that favor that motion will say "Aye."

[9] DELEGATES: Aye.

MR. SPEAKER: Those opposed "No." All right. Resolution is agreed to. The gentleman from Chesapeake, Mr. Cosgrove.

THE CLERK: Mr. Speaker, I rise for an announcement, two announcements.

THE SPEAKER: The gentleman has the floor.

DEL. COSGROVE: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, tomorrow morning at 7:30 in 3 West I invite all of you to come by and have breakfast with the American Legislative Exchange Council. Just learn about the organization and enjoy some, some good food in the morning.

And Mr. Speaker, the second announcement would be, again I invite all members of the House to join us and hundreds of other Virginians on the portico of the Capitol on Wednesday morning at 9:30 as we have a call to prayer for the Commonwealth of Virginia. We'll be joined by the Governor, the Lieutenant Governor, Attorney General and many other delegates and senators as [10] we go and ask God's blessing on our Commonwealth.

So I hope that you will come out and join us for a very short period of time with us because we have a busy day Wednesday, but I invite all of you to be there. Thank you, Mr. Speaker.

THE SPEAKER: The gentleman from Henrico, Mr. Morrissey.

DEL. MORRISSEY: Morning, Mr. Speaker. I rise for a purpose of an introduction and for a point of personal privilege.

THE SPEAKER: The gentleman may proceed.

DEL. MORRISSEY: Thank you, Mr. Speaker. With respect to the introduction, Mr. Speaker, Ladies and Gentlemen of the House, Professor Quentin Kidd and many of his students throughout the Commonwealth participated in a recently completed Virginia colleges and university competition to redraw 140 of the districts and all of our congressional districts.

There were over 150 students who participated in this program and they collectively devoted almost 1,000 hours or over 1,000 hours to this [11] process. I observed two of their presentations and I've spoken to one of the presentations about the redistricting commission hearing and I've spoken to probably 15 of the students collectively and individually.

And Mr. Speaker, ladies and gentlemen, they are one impressive group. For those of who you are unfamiliar, Professor Kidd gave them their marching orders and he told them to draw redistricting–draw districts that were competitive, that were contiguous, that were compact, that complied with the Voting Rights Act, that preserved communities of interest and they did a magnificent job.

Mr. Speaker, several of those winning teams are with us today. First of all, from the–and I'd ask that they stand if they're in the gallery now. I can't see. Oh, there. We have students from the University of Richmond, Mr. Speaker. Dan Palazzo, Kayla Brauther, Andrew Slater, Karen Esby and Kate Lorenz. You may be familiar with

Mr. Slater, Mr. Speaker. He worked an as intern [12] for you. These students won first place in the House plan.

We also have in the gallery students from George Mason. They won first place in the House competitiveness, as well as five important areas planned. They are Gabe Hudson, Nick O'Boyle, Billy Lauch and Dominick Lipitor. We have some students from, we have some students from William & Mary; undergraduates David Braun, Alex Bramson, Eric Aims and Thomas Chapel. And finally we have some law students from William & Mary who won first place in the congressional plan; Brian Canon, Alex Crouch and Sam Robinson.

Mr. Speaker, ladies and gentlemen, these students did a magnificent job and they contributed mightily to the Commonwealth. I'd ask that the entire House give them a warm House welcome.

(Applause.)

THE SPEAKER: We appreciate all the effort and work that the students went through. We know it was not an easy task and it was probably a [13] pretty good learning experience as well.

Appreciate your time and appreciate your being with us today.

The gentleman from Henrico.

DEL. MORRISSEY: Thank you, Mr. Speaker. Mr. Speaker, point of personal privilege.

MR. SPEAKER: The gentleman has the floor.

DEL. MORRISSEY: Now, Mr. Speaker, when we come to the House we serve–we learn a certain lexicon. Part of that includes, "Heading down a slippery slope, Getting the camel's nose under the tent, Peace in the Valley." But perhaps there's no verbiage that we use more frequently than the following; "We are here to do the people's business."

Mr. Speaker, the two bills that are going to be before this body shortly, the House bill on redistricting, the Senate bill on redistricting are decidedly not that. They did–these two bills did anything and everything but the people's business.

What those bills did was our business. We [14] watched out for our own interests. The majority parties in both houses took a parochial self-centered, selfish, protect-the-incumbent approach that was decidedly and markedly not the people's business.

We applauded those students a few moments ago. They devoted thousands of hours and they did the people's business. And after we applaud them, we completely ignore them and we ignore there are some 30 plans that they put together by not even speaking to them, not adopting one iota of their respective plans. Shame on us.

Now, don't get me wrong, Mr. Speaker. The people on the Privileges & Elections Committee and others worked hard. They worked hard at listening to the members's interest. Members went to them and said, "I had a close race two years ago or four years ago. I need these Republican precincts. I need to jettison these Democratic precincts."

They didn't go to the members of the P&E and say, "You know, the Constitution and our orders [15] were to come up with compact, contiguous, competitive, ensure the community of interest plans, make sure we comply with the Voting Rights Act. None of that was done. It's "Watch out for me."

And I've got a confession because somebody's liable to bring it up; that I went and I asked and I spoke to a member of Privileges & Elections too. But let's be

certain, Mr. Speaker; when I did it I asked that they add three Republican precincts to my district.

Now, you know when the, when the members went there and they went and they asked for their special districts, it did one thing. It made the districts less competitive. Well, here's a new flash; elections aren't supposed to be easy.

They're supposed to be competitive. And a second news flash; competitiveness is good. It's a good thing. It raises the bar. It makes you better.

Green Bay Packers won the Super Bowl with a great quarterback. I guarantee you this. The general manager of the Green Bay Packers will [16] bring in a couple of young quarterbacks to challenge Aaron Rodgers to make him better.

Now, let me give you an idea of what we did.

And if I can ask my seat mate to help me.

Remember, one of the charging orders is compactness. Tell me if this district, which is my friend Delegate Cleveland's, looks compact to you. Does that look compact? That's what we came up with. It's not what the students came up with.

You know what, it looks like one of those ink blots that the psychiatrists give you when you're going through an anger management class.

(Laughter.)

DEL. MORRISSEY: Now, this is, this is my friend Delegate Massie's district. I mean, I don't know; is it the coast line of, of Libya. My friend from Henrico said it could be (unintelligible word) or it could be one of the Pacific Rim countries. It could just be a U. I don't know

what it is. I know it's a new district that just came up and I know it's not compact.

Now, this is not supposed to be a partisan [17] speech, but I bet it sounds like it so far. But I've got vinegar for everybody.

Over on the other side, they're just as guilty, the Senate Democrats. They and the House Republicans came up with districts that are not, that are none of the requirements that we asked of our students. Take the minority leader in the Senate, Thomas Norment, his district's stretched–they chopped it up. He's got tremendous institutional knowledge. Chopped him up. His new district stretches from Suffolk to the northern neck, leaving him little of the existing 3rd district.

The House minority leader, Ward Armstrong's district, chopped up. Tremendous institutional knowledge. And I'm just wondering, is there any coincidence that the two minority members had their districts chopped up? I don't think so. I'll tell you this though; the public gets it. The public understands when you do this.

Two words. George Allen. You know what they did to, the Democrats did to George Allen over a [18] decade ago and it came back to bit them, bite them. I would not want to be either of the minority leaders opponents in the fall because the public gets it. They know what you're doing.

Now when we look at the plan that we're about to vote on we also realize there's something else that we didn't do. Let me see who I–I'm losing lots of friends today. The Democrats in the House, the Republicans here. Who haven't I gone after? The Governor, the Governor.

Kudos to the Governor for setting up the bipartisan blue ribbon redistricting plan.

Wonderful gesture, Governor. And to all of your aides who are listening, "Great. You fulfilled a campaign pledge and promise." But then what did you do? You completely ignored them. You set up a commission, you took academicians, you took retired judges. You said, "Give me hours of your time. Go around the State. Give me a plan" and then completely and utterly ignore it.

I wonder how many people in this chamber right now or in the Senate chamber could raise [19] their hand and say, "I reviewed the Commission's plan sent to the Governor or I reviewed even one of the 30 to 35 students plans"? I doubt that that was done.

Mr. Speaker, we have an obligation and responsibility to do our job, to do the people's business, to do it in a nonpartisan fashion when we can. Mr. Speaker, your party had a noble and great opportunity to do that. It dropped the ball. It didn't do that and at the end of the day we come up with the same thing that the Democrats did for 100 years before; a very partisan, a very not the people's business map, and we did a disservice to the Commonwealth.

Thank you, Mr. Speaker.

THE SPEAKER: The gentleman from Richmond City, Mr. Loupassi. The gentleman from

Mr. Suffolk, Mr. Jones.

DEL. JONES: Mr. Speaker, point of personal privilege.

THE SPEAKER: The gentleman has the floor.

DEL. JONES: Mr. Speaker, I was interested ton [20] listen to the gentleman from Henrico and I've got a couple answers for him.

I've looked at the plans from the students. As a matter of fact, I believe as late as 10:00 last night I had staff down here trying to get the correct version of one of the student's plans so I could actually look at it.

The Governors's Commission promised plans last week. They came in at 8:30 on Saturday night. I left my daughter, who had a concert at William & Mary. Come up here yesterday and worked until 2:00 this morning trying to look at both of those plans that were supposedly going to be here last week. And I plan to look at those plans this afternoon.

Professor Kidd, he used to be a constituent of mine. A fine gentleman and I commend him for his getting the students involved in the process of government. So I have looked at both of the plans from the college competition. There were some flaws. There was a plus or minus deviation of 20 percent in one district so they were trying [21] to figure out, you know, where that really needs to be.

Because if you read what we did in House P&E Friday before last, we laid out our criteria, and the criteria is the most important thing that we do, I think, as a body. And the overarching principle 10 years ago, 20 years go and 30 years ago I believe was the one-person, one-vote. Our Constitution calls for that and demands that.

Then the next thing I think we're compelled to do is the Voting Rights Act. Full compliance. So the House plan, House Bill 5001, which I am the chief patron and the only patron on the bill, was arrived at over 200 hours on my part trying to put a plan together.

I sat down with members of my side of the aisle and your side of the aisle. Anyone that called me, that took the time to be interested enough to call who was going to be the chief patron, I sat down and spent hours with them.

I think the gentlewomen from Richmond can attest to that. I was supposed to have been home [22] all day Friday, but I came up here to spend time with them to listen to what their concerns were for their community. I came back yesterday. And I'm here today and will be here late tonight to try to listen to the concerns that the people of Virginia have.

And to say that we don't represent the people I think is unfair to the process. We are their voice and they get to vote for us every two years or every fours years. I was at a church yesterday. My daughter was singing. And they asked me were they going to still be in my district and I had to tell them no, I didn't think so because of the plus or minus 1 percent, the one-man, one-vote.

I've represented them in one form or fashion for about 20 years, but they understand because it's important that we have the Voting Rights Act, full of compliance, and the one-person, one-vote.

So I thank the gentleman for giving us some things to ponder. I want him to know that, yes, I have looked at the plans. I have spent the hours [23] to do the work to make sure that the plan that I have is fair. It's before us. And the seats that were actually rolled away to other parts of the Commonwealth were done because of loss of population.

There's an attitude in golf, you have to play it where the lies. And when you have a population loss taking Newport News across to Petersburg, across to

Lynchburg, and then up to the West Virginia line and you have an effective loss of population of three seats, it's pretty obvious what you have to do.

And I could string things, like maybe the other body did, and try to save a seat in a certain area; but I think it then gets to your compactness and your contiguity argument. So I would say to the gentleman that anyone that has any questions about the plan, it's out there. It's been online since last Tuesday.

Could have called me, but haven't. And I did, had the courtesy of calling the three or four individuals that were combined with other members [24] last Tuesday before the plan was made public. I thought that was the right thing to do because they are colleagues of ours. They're not a member of the other party; they're a colleague of mine in the House of Delegates.

And the seat that I've always held by Mills Godwin, who I think was one of the finest governors we've ever had in this Commonwealth–and we have an obligation to the people that we serve and that is what I have attempted to do so far. And I will listen to any concerns and questions or tweaks that individuals might like to make on the plan that's before them.

And Mr. Speaker, I thank the House for their time.

THE SPEAKER: Thank you. The gentleman from Richmond City, Mr. Loupassi.

DEL. LOUPASSI: Yes, sir, Mr. Speaker. I rise for the purpose of a motion.

THE SPEAKER: The gentleman may state it. DEL. LOUPASSI: Mr. Speaker, I'm asking the House to have unanimous consent for the purpose of [25] introducing a memorial resolution.

THE SPEAKER: The gentleman from Richmond City, Mr. Loupassi, asks for unanimous consent to introduce a memorial resolution. As many that favor that motion will say "Aye."

DELEGATES: Aye.

THE SPEAKER: Those opposed "No." That motion is agreed to. The gentleman from

Rockingham, Mr. Wilt.

DEL. WILT: Mr. Speaker, I rise for the purpose of an introduction.

THE SPEAKER: The gentleman has the floor.

DEL. WILT: Mr. Speaker, Ladies and Gentlemen of the House, today in the gallery we have with us Mrs. Karen Gowners and her 7th grade civics class and numerous chaperones that's accompanying them today. Cornerstone Christian School is located in Harrisonburg, Virginia and I ask that the House would give them a warm welcome.

(Applause.)

THE SPEAKER: I'm pleased to have the students from Harrisonburg visiting with us today [26] and hope you enjoy your time in the Capital.

The gentlewomen from Hampton, Ms. Ward.

DEL. WARD: Thank you, Mr. Speaker. I rise for a point of personal privilege and emotion.

THE SPEAKER: The gentlewoman has the floor.

DEL. WARD: Thank you, Mr. Speaker. Today we are commemorating the 42rd anniversary of the assassination of Dr. Martin Luther King. This is a day that many of us will never forget, but so many of us

really don't remember why Dr. King was in Memphis that day.

See, two months before Dr. King's assassination on February the 1st there were two black sanitation workers who were crushed and killed in a garbage truck accident as they tried to kind of escape some torrential rains. You see, the black workers were not afforded the same workplace rights as their white counterparts.

So when Dr. King heard of this injustice he cancelled a trip to Africa to join the sanitation workers in their fight for fairness, justice and a voice in their workplace and that he believed [27] could only be achieved through a collective bargaining agreement.

So on April the 3rd, less than 24 hours before his assassination, he was speaking against those who would deny workers fairness and justice on their jobs. And this is when Dr. King delivered his, "I've been to the mountaintop" address; where he recognized that we've just got some difficult days ahead of us.

And as he said, it doesn't matter to him because, as he said and I'll quote, he had been to that mountaintop and he said, "I don't mind. Like anybody, I would like to live a long life.

Longevity has its place, but I'm not concerned with that now. I just want to do God's will.

"And he allowed me to go to the mountain and I've looked over, I've seen the promised land. I may not get there with you, but I want you to know tonight that we as a people will get to that promised land. And I'm happy tonight. I'm not worried about anything. I'm not fearing any man because mine eyes have seen the glory of the [28] coming of the Lord."

And today, Mr. Speaker, Ladies and Gentlemen of the House, all across this Commonwealth and this nation people from all walks of life are joining together. There are people from our community, the labor community, from community organizations, the NAACP; all of them are coming together in prayer vigils, in rallies and marches just to say that "We are one and we stand in solitary with Dr. King for all who believe in fairness and justice in the workplace."

And that is why, Mr. Speaker, I move that when we adjourn today we do so in the honor and memory of Dr. King and all those who lost their life fighting for justice in the workplace.

Thank you, Mr. Speaker.

THE SPEAKER: The gentlewoman from Hampton, Ms. Ward, moves that when the House adjourn today it adjourn in the honor and the memory of

Dr. Martin Luther King and all of those who lost their lives fighting for their civil rights.

As many that favor that motion, will please [29] rise. That motion is agreed to.

The gentleman from Accomack, Mr. Lewis.

DEL. LEWIS: Mr. Speaker, rise for a request. THE SPEAKER: The gentleman may state it.

DEL. LEWIS: Mr. Speaker, request of the body of unanimous consent for the introduction of a commending resolution and then point of personal privilege too if I could after that, Mr. Speaker.

THE SPEAKER: Okay. Let me do this one first. The gentleman from Accomack, Mr. Lewis, moves, asks for unanimous consent to introduce a commending

resolution. As many that favor that motion will say "Aye."

THE DELEGATES: Aye.

THE SPEAKER: Those opposed "No." That resolution is agreed to. The gentleman from Accomack.

DEL. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House, on May the 20th of this year the Mid-Atlantic Regional Space Port of Wallops Island will launch a satellite for the Operationally Responsive Space Office which was [30] established in 2007 by the Deputy Secretary of Defense in response to changing national security requirements.

This launch on May the 20th will be in honor of Medal of Honor recipients from the war on terror and Somalia. And so that is what this commending resolution which I just received unanimous consent for is about and commends this launch.

And also the resolution goes on to name the individual Medal of Honor winners and the circumstances under which they received the Medal of Honor. Several of their family members and the one surviving Medal of Honor winner will actually be in attendance at the launch.

So I would invite anyone who wants to sign on to this resolution, I'll have it back here at my desk if you want to and I'll try and circulate it also, to please feel free to do so.

Thank you, Mr. Speaker.

THE SPEAKER: Thank you. The gentleman from Spotsylvania, Mr. Cole.

[31] DEL. COLE: Thank you, Mr. Speaker. I rise for a motion.

MR. SPEAKER: The gentleman may say it. DEL. COLE: I request unanimous consent to introduce a commending resolution for the 50th anniversary of the Summerduck Ruritan Club. THE SPEAKER: The gentleman from Spotsylvania, Mr. Cole, asks for unanimous consent to introduce a resolution, a commending resolution celebrating the 50th anniversary of the Summerduck Ruritan Club. As many that favor, as many that favor that motion will say "Aye."

DELEGATES: Aye.

THE SPEAKER: Those opposed "No." The motion is agreed to. The gentleman from Grayson,

Mr. Carrico.

DEL. CARRICO: Rise for a motion.

THE SPEAKER: The gentleman may state it.

DEL. CARRICO: Rise to ask for unanimous consent to introduce a commending resolution for Daylights Boys, Daylights High School boys basketball's team first ever State championship.

[32] THE SPEAKER: The gentleman from Grayson, Mr. Carrico, asks for unanimous consent to introduce a commending resolution. As many that favor that motion will say "Aye."

DELEGATES: Aye.

THE SPEAKER: Those opposed "No." That resolution is agreed to. The gentleman from Arlington, Mr. Brink.

DEL. BRINK: Thank you, Mr. Speaker. Rise for a motion.

THE SPEAKER: The gentleman may state it. DEL. BRINK: Mr. Speaker, I would ask unanimous consent for the introduction of two memorial resolutions.

THE SPEAKER: A memorial resolution?

DEL. BRINK: Correct.

THE SPEAKER: The gentleman from Arlington, Mr. Brink, asks for unanimous consent to introduce a memorial resolution. Two. I don't thing (inaudible words). I only got one.

As many that favor that motion to introduce two memorial resolutions will please say "Aye."

[33] DELEGATES: Aye.

THE SPEAKER: Those opposed "No." That resolution is agreed to. The gentleman from Arlington, Mr. Hope.

DEL. HOPE: Thank you, Mr. Speaker. I rise for a motion.

THE SPEAKER: The gentleman may state it.

DEL. HOPE: I rise to request unanimous consent to introduce one memorial resolution and one commending resolution.

THE SPEAKER: Same person?

DEL. HOPE: No.

THE SPEAKER: The gentleman from Arlington, Mr. Hope, asks for unanimous consent to introduce a memorial resolution and a commending resolution. As many that favor that motion will say "Aye."

THE DELEGATE: Aye.

THE SPEAKER: Those opposed "No." That resolution is agreed to. The gentleman from Hanover, Mr. Cox.

DEL. COX: Mr. Speaker, I too rise for a motion.

[34] THE SPEAKER: The gentleman may state it.

DEL. COX: Mr. Speaker, I would ask this body for unanimous consent to the introduction a memorial resolution.

THE SPEAKER: The gentleman from Hanover, Mr. Cox, moves–asks for unanimous consent to introduce a memorial resolution. As many that favor that motion will say "Aye."

DELEGATES: Aye.

THE SPEAKER: Those opposed "No." That resolution is agreed to. That motion is agreed to. The gentleman from Chesapeake, Mr. Spruill.

DEL. SPRUILL: Mr. Speaker, I rise for point of personal privilege.

THE SPEAKER: The gentleman has the floor.

DEL. SPRUILL: Mr. Speaker, Members of the House, if I can–I guess the early '80s when the Democrats were in control of the House and they did a redistricting at that time, in Chesapeake we had one senator, Senator Parker. We had two delegates, Delegate Tom Fordham and Fred Crittmore.

[35] And when the Democrats drew the line and they chopped up Chesapeake, I said, "Why in the world are they adding these folks to Chesapeake that don't live in Chesapeake, from Norfolk, from Portsmouth and from Suffolk?" And I had some objection at that time because I felt like that those who live in the city, grew up in the city, not understanding that when things are

short in other areas, and we were growing in Chesapeake, they had to make up the numbers.

And then it came along the Justice Department was talking about the rights of blacks being represented in the Hampton Roads area of Richmond, parts of Roanoke, the vast majority in those areas and the Newport News area. And they were saying they want to make sure that the blacks have an opportunity to, to work on the floor, to be in this House, and we did that.

And then the Democrats lost the majority and the Republicans took over and now we're concerned that they're compacting everybody together. I heard my friend, Delegate Joe Morrissey, who [36] said–he drew up a little map about where he is. He also spoke of in a previous meeting about another minority district. And Number 1, I said to the members here, is that we don't need another minority district, Mr. Speaker, because if we want another minority district, as you all would call it, but let's say another black district, we don't need it.

Because my friend Joe Morrissey, where he live, that is a black district, and if the blacks want another district they should take that seat. If my friend, Joe Morrissey, is concerned about another district, which he is, he spoke up earlier about another minority seat, then he should have stepped down and give it to a black person and we'll have another seat.

Mr. Speaker, again, then the question came about the line that was drawn about with Delegate Chris Jones. I've had people to call me,

Mr. Speaker, both white and of course you all blacks, you're all minority blacks, as they call you all, both called me and said, "Do you know [37] Chris Jones?

Yes." The question was did he try to draw those lines fairly.

And I was concerned about the blacks who are in the–are not minority blacks who are in the seat now and my true main concern was not the district that would be approved by the Justice Department, but the seat that's been held by Lou Tyler, which is not a minority seat. I was concerned about that. The seat that's been held by Delegate Herring, not a minority seat.

See, those seats, they just happen to be black, but it's not a minority seat. The question is was Chris Jones fair to those folks, trying to accommodate what they need? Ask them. I believe he was. Ask some of them members who are die-hard Democrats on this side of the aisle who may complain about the plan; ask them did they call Chris Jones and ask them what was he fair to them of what they want. I believe if they did tell the truth they would. So compaction got a no.

My concern was that I was really upset with the Democrats in the '80s that cut up Chesapeake [38] and my concern is now, now you another party in control who's tried to work it out with everybody. You ask me, "Am I going to vote for this plan?" Yes. You ask me, "Do I believe that it was fair, that Chris Jones did the best that he could?" Yes.

To the Democrats; after all, he is a

Republican, you know. He's got to do something for them. He's got to lookout for himself first and then give us a bone and I believe he has given us two or three bones, Mr. Speaker.

So I just want you all to know that when these people just get up and yap, yap about it, remember

what goes around, come around. Remember when we were in control, the good Democrats. I don't know what I am right now, Mr. Speaker, but I want them to remember when they were in control how it was done. And that at least–I only use Chris Jones, because it's who I know, at least he is trying to be fair to everybody. I'm asking all my colleagues to vote for this plan.

Thank you, Mr. Speaker.

[39] THE SPEAKER: The gentleman from Albemarle, Mr. Bell.

DEL. BELL: Mr. Speaker, I rise for two motions.

THE SPEAKER: The gentleman may state it.

DEL. BELL: Mr. Speaker and Members of the House, I've come with sad news. On March 2nd, 2011 Americans across the country turned on their CNN or MSNBC or Fox News and heard of Airman First Class Zach Cuddeback, who was killed in a Frankfurt airport by a gunman and he was–the gunman had the intention of killing American soldiers. He went to the bus and said, "Where you headed?" and they said (unintelligible word) Iraq or Afghanistan and he pulled out a gun and shot two dead. Was captured by a third of the airmen.

What was not part of the national reports was that Zach Cuddeback was one of ours. He was a 2008 graduate of William Monroe High School in Green. And so Mr. Speaker, my first motion would be that we– I ask unanimous consent to introduce a memorial resolution for Zach Cuddeback. And [40] I'll have another motion after that.

THE SPEAKER: The gentleman from Albemarle, Mr. Bell, moves that the House grant the unanimous

consent to introduce a memorial resolution. As many that favor that motion will say "Aye."

DELEGATES: Aye.

MR. SPEAKER: Those opposed "No." That motion is agreed to. The gentleman from

Albemarle.

DEL. BELL: Mr. Speaker, I understand we already have a resolution in terms of who we will be adjourning in memory and honor of. I would like to add to that. I'd like to add that the House adjourn in memory and honor of Airman First Class Zachary Ryan Cuddeback. He as a 21-year old Virginian who died in service of his country and I hope we will adjourn in his honor. Thank you.

THE SPEAKER: The gentleman from Albemarle, Mr. Bell, moves that when the House adjourn today it adjourn in the honor and memory of Air Force Airman First Class Zachary Ryan Cuddeback. As many that favor that motion will please rise.

[41] That motion is agreed to.

The gentleman from Charlottesville,

Mr. Toscana.

DEL. TOSCANA: Thank you, Mr. Speaker. Rise for a motion.

THE SPEAKER: The gentleman may say it. DEL. TOSCANA: Mr. Speaker, Ladies and

Gentlemen of the House side, I'd move that I be granted unanimous consent to offer a commending resolution commending the city of Charlottesville on its 200-plus year anniversary.

THE SPEAKER: The gentleman from Charlottesville, Mr. Toscana, moves that the House grant unanimous consent to introduce a commending resolution commending the 200-plus years that they've been around. As many that favor that motion will say "Aye."

DELEGATES: Aye.

THE SPEAKER: Those opposed "No." That motion is agreed to. The gentlewoman from

Petersburg, Ms. Dance.

DEL. DANCE: Thank you, Mr. Speaker. I rise [42] for point of personal privileges.

THE SPEAKER: The gentlewoman has the floor.

DEL. DANCE: Mr. Speaker and Members of the House, I had what might be considered an honor and a curse to have been assigned to be one of the members, the six members that serve on the

Redistricting Committee for the House and one of the six members that serve on the Reapportionment Committee for the House.

And I can tell you that throughout this process I've learned a lot about redistricting. Wasn't here 10 years ago when the last lines were drawn, but I, I will challenge anybody on my side of the aisle as far as knowing as much about the software and the demographics and statistically how Virginia is laid out and what we had to deal with as far as the plan, the House Bill that has been introduced by Delegate Jones.

That is truly an example, I found out, to be of bipartisanship, because there were no gray lines. Whether you're a Democrat or Republican and you

were assigned to draw those lines, you [43] would have found much difficulty. I don't think anybody will have pretty lines, nice neat bows in a row, as they'd like to have. And I don't think anybody would say that whatever their lot is that it's perfectly the way they would like it to be.

But I will say that as one had a lot of impact from both sides of the aisle, I know because I tried to reach out to all those that I could on my side of the aisle, and I know that our chair, Delegate Jones, was willing to listen to anything and everything that we throw to him to consider as he developed his plan.

And one of the things that I was most concerned about of course as an African-American was the 1965 Voting Rights Act as related to the 12 minority districts that we have in the House and making sure that they were strong. The trending–because we can't tell people where to move or leave–live, showed that a lot of the populations were shifting into areas.

In order to maintain those 12 districts it required some movement and sometimes not perfect [44] adjustments between precincts. There might have been some split areas, but those were the kind of things that were happening, but we were talking with legislators as we went. Things were not done in a vacuum.

I know that even though a bill has been introduced, that in working with our Chair that there is going–there are still options and, of course, some amendments and I'm sure before a bill is passed there will be some more amendments there.

And I see this as truly a fair process. It's not a perfect process, but I don't think it's one that will have us jumping up and down and have fits. We're not going

to agree; but we can respectfully agree or disagree as we go.

But I'm still proud to be a part of this team. I still hope that at the end of day that there will be more of us in agreement than not and that we will be able to pass a plan and leave this House. Because I think this is one of the most important bills that we will pass and that is what [45] the 100 House seats will look like in the next 10 years.

And I was pleased to be a part of that committee and I'm not going to be jumping up and down and say it's African-American or

Euro-Americans, but I do say that we need 55 percent at least voting African-Americans, not just a population to show 55 percent

African-Americans. Because a lot of us know that statistics show that we don't always vote.

Even though I come–I live in Petersburg, predominantly African-American, if the percentage might be–it should be 100 percent. It will be 40 percent. If it was (unintelligible word) if I live in the community and I was your American - if it was 100 percent, you'd get about 60 percent. And so you have to deal with those realities. That's the realities we're dealing with as we model, as we look at the statistics that we're working with.

And hope you all will consider that. And I stand open even on my side; if those legislators [46] who have not yet gone to, I call it the war room on the second floor, to play with that software to see for yourself what it looks like. I think with knowledge will come a change in attitude and a more reasonableness as we move forward.

And it's important that we do this. If you haven't already done it, go to the second floor; look at the software. Don't just look at it, but see how it works and see how it effects you and see what decisions had to be made to get us this far. Thank you.

THE SPEAKER: The gentleman from Chesapeake, Mr. Cosgrove.

DEL. COSGROVE: Mr. Speaker, I rise for a motion.

THE SPEAKER: The gentleman may state it.

DEL. COSGROVE: Mr. Speaker, I ask the House for unanimous consent to introduce a commending resolution for the Chesapeake teacher of the year.

THE SPEAKER: The gentleman from Chesapeake, Mr. Cosgrove, asks for unanimous consent to introduce a commending resolution. As many that [47] favor that motion will say "Aye."

DELEGATES: Aye.

THE SPEAKER: Those opposed "No." That motion is agreed to.

Are there further motions or resolutions under Rule 39?

Does the Clerk have any announcements?

THE CLERK: Yes, sir, Mr. Speaker. Meetings for Monday afternoon; the Democratic Caucus will meet 30 minutes after recess in House Room 2. The Democratic Caucus meeting 30 minutes after recess in House Room 2.

Mr. Speaker, the Privileges & Elections Committee will meet at 4:00 p.m. this afternoon in House Room C.

Mr. Speaker, that concludes the announcements that I have.

THE SPEAKER: The gentleman from Colonial Heights, Mr. Cox.

DEL. COX: Mr. Speaker, I would move the House stand in recess until 8:00 p.m. and I would like to speak to that motion if I could.

[48] MR. SPEAKER: The gentleman has the floor.

DEL. COX: Mr. Speaker, just from a timing standpoint, as you know P&E will go in at 4:00. I want to make sure the committee have got plenty of time to meet and so that is the reason for the 8:00 recess. It will be a pro forma session.

Basically what I want us to do is get us a supplemental calendar up if the bill passes committee and of course then we'll adjourn. So basically that will be the activity. It's a pro forma session.

THE SPEAKER: The gentleman from Colonial Heights, Mr. Cox, moves that the House stand in recess until 7:00.

DELEGATE: Mr. Speaker, parliamentary inquiry.

THE SPEAKER: 8:00. The gentleman may state it.

DELEGATE: Yes, Speaker. Would the gentleman from Colonial Heights or the Speaker, either one, advise us at what time when we come back at 8:00 anticipate that we will be adjourning for [49] tomorrow?

THE SPEAKER: Noon.

DELEGATE: Thank you, Mr. Speaker.

THE SPEAKER: The gentleman from Colonial Heights, Mr. Cox, moves the House stand in recess until 8:00 p.m. As many favor that motion will say "Aye."

DELEGATES: Aye.

THE SPEAKER: Those opposed "No." The motion is agreed to. The House stands in recess until 8:00 p.m.

(Whereupon, the House of Delegates stood recessed.)

THE SPEAKER: The House will come to order. Members, please take your seats. The–does the Clerk have any announcement?

THE CLERK: Yes, sir. Mr. Speaker, meetings for Tuesday morning, April 5th, the Conservative Caucus meets at 8:00 a.m. in the Speaker's

Conference Room. Press conference, Response to Tackle Women's Health, meets at 9:00 a.m. in the House Briefing Room. The Commission on Youth will [50] hold a meeting at 9:00 a.m. in House Room C.

Mr. Speaker, the Republican Caucus will meet at 10:00 in the morning, House Room 1. And this is a time change. And Mr. Speaker, the Democratic Caucus will meet at 10:00 a.m. in House Room 2. This is also a time change.

Mr. Speaker, this concludes the announcements that I have.

MR. SPEAKER: The gentleman from Colonial Heights, Mr. Cox.

DEL. COX: Mr. Speaker, I move that when the House adjourn today it adjourn to reconvene tomorrow at 12:00 noon.

THE SPEAKER: The gentleman from Colonial Heights, Mr. Cox, moves that when the House adjourns today it adjourn to reconvene tomorrow at 12:00 noon. As many that favor that motion will say "Aye."

DELEGATES: Aye.

THE SPEAKER: Those opposed "No." That motion is agreed to. The gentleman from Colonial Heights, Mr. Cox.

[51] DEL. COX: Mr. Speaker, I move the House do now adjourn.

THE SPEAKER: The gentleman from Colonial Heights, Mr. Cox, moves the House do now adjourn. As many that favor that motion will say "Aye."

DELEGATES: Aye.

THE SPEAKER: Those opposed "No." That motion is agreed to.

The House stands adjourned until 12:00 noon tomorrow.

(Whereupon, the House of Delegates stood adjourned.)

[52] C E R T I F I C A T E

I, Daphne S. Hurley, Court Reporter, certify that I transcribed from digital recording of the proceedings held on the 4th day of April 2011.

I further certify that to the best of my knowledge and belief, the foregoing transcript constitutes a true and correct transcript of the said proceedings. Given under my hand this 4rd day of May 2015.

/s/ Daphne S. Hurley
Daphne S. Hurley

My commission expires: August 20, 2018 Notary Public in and for the State of Maryland

COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES CONDUCTED ON TUESDAY, APRIL 5, 2011

2011 SPECIAL SESSION I
VIRGINIA HOUSE OF DELEGATES
REDISTRICTING FLOOR DEBATES
Tuesday, April 5, 2011

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[2] APPEARANCES

Before the Honorable

BETSY B. CARR

DELEGATES PRESENT:

David L. Englin - Alexandria (D-45)
Robert G. Marshall - Prince William (R-13)
Ward L. Armstrong - Henry (D-10)
Brenda L. Pogge - James City County (R-96)
Adam P. Ebbin - Alexandria (D-49)
David Albo - Fairfax (R-42)
Mark L. Cole - Spotsylvania (R-88)
Roxann L. Robinson - Chesterfield (R-27)
S. Chris Jones - Suffolk (R-76)
Joe Morrissey - Henrico (D-74)
Lionell Spruill, Sr. - Chesapeake (D-77)
Patrick A. Hope - Arlington (D-47)
Rosalyn R. Dance - Petersburg (D-63)
M. Kirkland Cox - Colonial Heights (R-66)
Jennifer McClellan - Richmond City (D-71)

[3] SPECIAL SESSION

MR. SPEAKER: The House will come to order. Members, please take your seats. Sergeant-At-Arms.

SERGEANT-AT-ARMS: The House of Delegates is now in session. All persons not entitled to privileges of the floor, please retire to the gallery.

MR. SPEAKER: The Members will rise and be led in prayer by the Honorable Betsy B. Carr, the gentlewoman from Richmond City, and remain standing for the Pledge of Allegiance to the flag of the United States of America, which will be led by the gentleman from Colonial Heights, Mr. Cox.

DEL. CARR: Let us pray. Gracious Creator, thank you for bringing us together this day. Thank you for the opportunity, opportunity of serving you through those to whom we are the servants. We come from many places. We have many viewpoints. We are many members of one body that exist for our one Commonwealth.

Please keep us ever mindful that contained in [4] all the members of the body are the talents and gifts necessary to make this body healthy and whole. In this oldest legislative body in the western world the mace has been brought forward and placed in its cradle.

As we prepare to deliberate the matters before us we are heirs and beneficiaries of the legacy of leaders such as James Madison and Thomas Jefferson. While our actions today may not be equally notable in history, the energy and intent and spirit with which we carry out our work will be.

Please be with us here as we strive to do your will for the benefit of the people who have entrusted to us

the responsibility of representing them. In your name, we pray. Amen.

DELEGATES: Amen. I pledge allegiance to the flag of the United States and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

MR. SPEAKER: The members will answer the roll call by indicating their presence on the [5] electronic voting board.

The Clerk will close the roll. The Clerk will close the roll.

THE CLERK: Mr. Speaker, a quorum is present.

MR. SPEAKER: Pursuant to House Rule 3, I've examined and approved the Journal of the House of Delegates for April 4th, 2011. Motions and resolutions under Rule 39 are now in order.

Does the Clerk have any announcements or communications?

THE CLERK: No, sir, Mr. Speaker.

MR. SPEAKER: The gentlewoman from

Chesterfield, Ms. Robinson.

DEL. ROBINSON: Mr. Speaker, I rise for a request.

MR. SPEAKER: The gentlewoman may state it. DEL. ROBINSON: I request the House give an unanimous consent for a memorial resolution. MR. SPEAKER: The gentlewoman from

Chesterfield moves the House grant unanimous consent for the introduction of a memorial resolution. As many that favor that motion will [6] say "Aye."

DELEGATES: Aye.

MR. SPEAKER: Those opposed, "no." That motion is agreed to.

The gentleman from Alexandria, Mr. Englin. DEL. ENGLIN: Mr. Speaker, I rise for point of personal privilege.

MR. SPEAKER: The gentleman has the floor.

DEL. ENGLIN: Mr. Speaker, Ladies and Gentlemen, I know that redistricting is what's on everybody's minds right now, but, but there are other arguably even more important issues facing the Commonwealth and one of those issues is the issue of adoption.

This morning we had a press conference responding to the Governor's proposal on another controversial issue related to abortion and I'll just say a word about that and you'll see how they connect.

Those of us who support a woman's right to choose and those of us who are Pro Life, one of, one of the areas where I think we can come [7] together and agree on is the idea that if we promote adoption then it's a way to reduce abortion. That ought to be something that we come together on and agree on.

Well, I was surprised to see that some of the groups that call themselves Pro Life are urging Governor McDonnell to overturn a rule that has been in the making – it is not yet a rule, but it is a rule that the Board of Social Services is in the process of developing related to who may or may not adopt in Virginia and this proposed rule would enable unmarried couples to adopt, even if that unmarried couple happens to be gay or lesbian.

In addition to the abortion issue, there are 5,815 foster children in Virginia right now. I, I called Social

Services and got the exact number as of March 1st, 2011. 5,815 young men and women in Virginia in foster care; everyone of whom has a right to a permanent family, a permanent loving home with a parent or parents who will take care of them, raise them, nuture them and help them [8] become productive adults and members of our society.

Even beyond that these are families that can help them into adulthood. All of us, even as adults, need the support of a parent and a permanent family. 5,815 children right now in Virginia who have a right to a permanent family. So why on earth would we deny them the ability to have that permanent family merely because the perspective parents are gay or lesbian?

Mr. Speaker, Ladies and Gentlemen, I ask you to think about your own relationships in your own life. Maybe you have a niece or a nephew who is gay. Maybe you have a brother or a sister who is guy or lesbian. Maybe an aunt or an uncle. Think about those individuals who you know and who you care about. Do you think that because they are gay or lesbian they would not be a fit parent? That's what these groups are arguing.

Fortunately, there's still time for a good outcome. Governor McDonnell has an opportunity to do the right thing. I read in the paper today his [9] spokesperson said that Governor McDonnell supports adoption. I believe that to be true. And that he supports the idea of letting a single person adopt where it's appropriate.

I think it is critical that we have systems in place to make sure that children are being adopted into families where they will – with their appropriate family where they will have the loving, nurturing

home they deserve. But this is a message that I'm sending out there to Governor McDonnell, and to anyone, who thinks that adoption needs to be something that we make available to prevent abortion and to ensure that these young men and women in foster care have homes into which they can be adopted.

Governor McDonald, I'm urging you, please, keep this proposed rule in place. Don't bow to the groups that are trying to focus on these controversial social issues instead of dealing with the needs of 5,800, 5,815 young men and women in Virginia in foster care who have a right to a permanent home. Those children don't care whether [10] the prospective parents are gay or lesbian and neither should we. Thank you, Mr. Speaker.

MR. SPEAKER: The gentleman from Prince William, Mr. Marshall

DEL. MARSHALL: Points of personal privilege, Mr. Speaker.

MR. SPEAKER: The gentleman has the floor.

DEL. MARSHALL: Thank you very much. Mr. Speaker, today I filed a brief in Virginia versus Sebelius, an amicus brief in support of the efforts of the Attorney General to challenge the Obamacare mandate.

We did say a few things that are different than what the Attorney General had. He organized from the point that because the Obamacare mandate requiring that everybody purchase health insurance by the federal government mandate or a plan approved, he said it was unconstitutional. I agree. He said, therefore, the entire Obamacare should fall down.

We argued the converse. We said the entire [11] effort is unconstitutional on the part of the Congress; therefore, the mandate should fall.

Let me tell you what we argued that the Attorney General did not. First we contended that Obamacare is not a constitutional regulation of commerce in which private business and individuals are engaged. In fact, the 1946 law forbids health insurance companies from competing in interstate commerce. But it is, Obamacare is a constitutionally impermissible government takeover of health care in which individuals are engaged in the wellness and health care businesses.

Two, we demonstrate how Obamacare is actually designed to work with the Secretary of Health actually functioning as if she were a CEO of a large corporation, making management and control decisions, rather than issuing government regulations.

Third, we presented to the court evidence that during the budget reconciliation process, and this was missed by a lot of people, by which Obamacare became law the Obamacare administration [12] slipped into here a public option which enables the government to go into the health care business on more favorable terms and compete with private insurers.

We made similar 10th Amendment claims that the Attorney General did, but we also point out that Obamacare will prevent individuals who seek medical care from homeopathy, acupuncture, herbal medicine or dietary supplements; therefore, violating their rights under the 9th and 10th Amendments.

How do we address the technical points that the federal government has made that the Attorney General has no right even to be in this court case? We

urge the court to go back to first principles of original intent as documented in the founding documents like the Federalist Papers.

We pointed out the following. The State government has a right to intervene on behalf of its citizens, not as parents patriate, but as covenant-bound to her sovereign citizens to defend them against an out-of-bounds federal government.

[13] Secondly, federal courts have a duty to apply relative principles of constitutional law and they cannot duck this. They govern the distribution of power between the federal and state and do so without partiality.

And I may add in closing, Mr. Speaker, that as an adoptive parent I found out about some regulations that started with the Kaine administration in December of 2009 and have been floating through the bureaucracy much to my surprise with no objections.

The point which the gentleman from Arlington missed is that these regulations would require churches, adoption agencies which have ethical or moral objections against the behavior of certain applicants to drop their objections and in fact place children with individuals who engage in behavior that is intrinsically disordered.

I find this an intrusion, Mr. Speaker, of the principles of religious liberty which are written on the wall right here behind me. Churches were in the adoption business, as it were, before the [14] State of Virginia existed. They should not be chased out of it by a requirement that they place children in foster care and for adoption with individuals whose behaviors constitute grave violations of the moral law.

MR. SPEAKER: The gentleman from Danville, Mr. Marshall.

DEL. MARSHALL: Mr. Speaker, I rise for request.

MR. SPEAKER: The gentleman may state it.

DEL. MARSHALL: Mr. Speaker, I ask for unanimous consent for two resolutions; the commending resolution and the memorial resolution.

MR. SPEAKER: The gentleman from Danville, Mr. Marshall, requests unanimous consent to introduce a commending resolution and a memorial resolution. As many will favor that motion will say "Aye."

DELEGATES: Aye.

MR. SPEAKER: Those opposed "no." That motion is agreed to. The gentleman from Henry, Mr. Armstrong.

[15] DEL. ARMSTRONG: Excuse me? Gentleman from Loudoun. Point of personal privilege.

MR. SPEAKER: The gentleman has the floor.

DEL. ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House, the Roanoke Times is a newspaper of great circulation, but it doesn't cover the whole state, and there was a really good column in the Roanoke Times this morning from a reporter, an award winning reporter named Dan Casey.

The column today is a satirical memo by a fictitious electric industry lobbyist who's praised on APCO for raising its rates 66 percent in six years. It was so good, it's not too long, I thought I'd read it to you.

"Confidential memo to electric industry bigwigs from your fixer in Richmond. Subject: 2011 update. This year's been good for the Virginia electric power industry. Below we'll look at some of our successes,

their underlying history and future challenges and opportunities." The S in opportunities has a dollar sign.

[16] "First, we should recognize one of our principal clients, Appalachian Power Company, the monopoly that has 500,000 captive customers in the populated parts of western Virginia and some parts of Southside. As you know, APCO suffered for many years under the indignity of some of the lower electric rates not only in Virginia, but in the nation. At industry conferences it was the butt of many jokes cracked on the golf course.

"Consider how far APCO has come in just the past six years. It's raised its rates an impressive 66 percent. The only thing that even comes close is increases for instate tuition in Virginia's colleges and universities. A new 9.6 percent rate increase the company applied for just last week could give it the highest electric rates of any investor-owned electric utility in the Commonwealth. Some rural and city coops are higher, but they're buying from the big utilities, then passing costs along.

"It's about the only thing western Virginia will be able to claim as it's Number 1. A clever [17] advertising campaign is being planned to instill pride for that among APCO customers. The beauty of it is the customers will be indirectly paying for those ads too. Of course the guys from APCO will be buying the after golf drinks in the club house at our next conference.

"This could never have happened without a concerted multi-year strategy that began in the late 1990s. First, with straight faces, we sold Virginia legislators on the virtues of deregulation. They actually believed us when we told them it would lower

rates, improve service and raise profits all at the same time. Ha, ha. Deregulation never actually happened, of course.

"Years later when the legislature finally figured this out we stifled our, stifled our giggles and sold them on re-regulation. That allowed for much higher industry profits than before. It also required us to make our bills incomprehensible, a trick we learned from the hospital industry. Now you need a master's degree in accounting to decipher them. Ha, ha again.

[18] "Of all the power industry producers in the Commonwealth APCO has been best at taking advantage of re-regulation. For example, the rate increase the utility applied for last week is actually a stunning four different rate increases all at once. This may be an industry record. There was a minor setback in 2009 and early 2010 when APCO jacked rates in the middle of a cold snap without State Corporation Commission approval. It left many customers howling that their electric bills had doubled or tripled. That got the legislator's attention, but we were able to cut a deal with them in which those increases were temporarily rolled back. Later the SCC approved a lot of that.

"Throughout this period there's been one big thorn in the industry's side. His name is Delegate Ward Armstrong (D) Henry County. He's been trying to get our industry profits rolled back to the old pre-deregulation levels. That's not funny at all. So we're doing our best to boot Armstrong from the House of Delegates.

[19] "Some Richmond allies already have drawn one restricting map that puts him in the same district as another incumbent, Delegate Don Merricks, (R)

Chatham. Wait until you see the advertising we're planning for Merricks's 2011 reelection campaign. Thank you Citizens United. Indirectly electric customers will pay for that too.

"We need to be careful though. Some of our traditional Richmond cronies have been paying close attention since Armstrong got his electric rates bandwagon rolling. Even Attorney General Ken Cuccinelli is beginning to make noise about us.

"The lesson is this: You can shear sheep repeatedly, but when you trim off too much of their wool at once they get sunburned and quite angry. It's safer to nick them for a little less each time and keep them at a slow boil. It also makes it easier to pull the wool that's left over their eyes. See you on the links at the next conference."

Great article. Anybody that wants a copy [20] I'll be glad to provide you with one. Nero fiddled while Rome burned. Thank you, Mr. Speaker.

MR. SPEAKER: The gentlewoman from Richmond City, Ms. McClennan.

DEL. MCCLENNAN: Thank you, Mr. Speaker. I rise for a request.

MR. SPEAKER: The gentleman may state it.

DEL. MCCLENNAN: Mr. Speaker, I request unanimous consent to introduce a commending resolution for the VCU Rams.

MR. SPEAKER: The gentlewoman from Richmond City, Ms. McClennan, asks for a commending – for unanimous consent to introduce a commending

resolution. As many that favor that motion will say "Aye."

DELEGATES: Aye.

MR. SPEAKER: Those opposed "No." The motion is agreed to. The gentleman from Richmond City, Mr. Loupassi.

DEL. LOUPASSI: Mr. Speaker, I rise for the purpose of a motion.

[21] MR. SPEAKER: The gentleman may state it.

DEL. LOUPASSI: Mr. Speaker, I ask for unanimous consent to introduce a commending resolution for the Richmond Spotters.

MR. SPEAKER: The gentleman from Richmond City asks for unanimous consent for a much better commending motion. As many who favor that motion will say "Aye."

DELEGATES: Aye.

MR. SPEAKER: Those opposed "No." The motion is agreed to. The gentlewoman from James City, Ms. Pogge.

DEL. POGGE: Mr. Speaker, I rise for a point of personal privilege.

MR. SPEAKER: The gentlewoman has the floor.

DEL. POGGE: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, tomorrow is the Call to Prayer Virginia Rally on the Capitol steps. People of faith from across the State will be gathering for prayer for the Commonwealth and the Nation. Please join with us at 9:30 in the morning. We'll be gathering on the [22] portico. Congressman Randy Forbes and the Governor and the Lieutenant Governor and the Attorney General will all be there, as well as many pastors and churches and people of

faith from across the state. Again, that will be at 9:30 tomorrow morning. Thank you.

MR. SPEAKER: The gentleman from Alexandria, Mr. Evan.

DEL. EVAN: Thank you, Mr. Speaker. I rise for a personal privilege.

MR. SPEAKER: The gentleman has the floor.

DEL. EVAN: Mr. Speaker, since we're talking about adoption today, I have to respond. I would ask if it's better for a child to be in an orphanage rather a loving home?

And I've got to tell the body that some gay friends of mine are the best parents I know. One is a foster parent who raised a child while his father was in treatment for alcohol and drug abuse. The other child who's adopted is a high school senior whose relatives did not send him to school at all. Guidance counselors sent this [23] child to remedial classes and this father insisted that he be placed in classes on track to become an aircraft mechanic.

I know of two other parents, John and Barry. They left the State and they left the State with their taxes, they left the State with their jobs, and they left the State at the regret of their neighbors. They're not the only ones. Those who engage in adoption are agents of the state bound to follow state regulations.

Further, I would ask how dare a member of this body call me intrinsically disordered. Is it intrinsically disordered to provide love to a child? Is it wrong to provide a loving home and a good education to a child? Is it wrong to see that a child grow up as a productive member of society?

Am I intrinsically disordered? Thank you, Mr. Speaker.

MR. SPEAKER: The gentleman from Fairfax, Mr. Scott.

DEL. SCOTT: Mr. Speaker, I rise for a [24] request.

MR. SPEAKER: The gentleman may state it. DEL. SCOTT: Mr. Speaker, request the introduction of two commending resolutions for specific associations in Fairfax County.

MR. SPEAKER: The gentleman from Fairfax, Mr. Scott, asks for unanimous consent to introduce two commending resolutions. As many that favor that resolution will say "Aye."

DELEGATES: Aye.

MR. SPEAKER: Those opposed "No." The motion is agreed to. The gentleman from Suffolk, Mr. Jones.

DEL. JONES: I will rise for a request.

MR. SPEAKER: The gentleman may state it.

DEL. JONES: Mr. Speaker, I ask for unanimous consent to introduce a memorial resolution.

MR. SPEAKER: The gentleman from Suffolk asks for an unanimous consent to introduce a memorial resolution. As many as favor that motion will say "Aye."

DELEGATES: Aye.

[25] MR. SPEAKER: Those opposed "No." That motion is agreed to. Gentleman from Fairfax, Mr. Albo.

DEL. ALBO: Mr. Speaker, point of personal privilege, please.

MR. SPEAKER: The gentleman has the floor.

DEL. ALBO: Mr. Speaker, Members of the House, just because we've had a lot of debate on this regulation deal and adoption, I just wanted to make sure everybody understands that no one on the floor is telling you what the real law is.

The law is and has always been and for as long as I've ever known; that the child is placed where it is in the child's best interests. Every year people try to come to General Assembly and pass laws to make adoption or child custody more fair to Parent A or Parent B. That's not the law.

What we look at is what is in the best interests of the child. There is no law in Virginia that says a child could not be placed with a same sex couple. If it was in the best interests of the child, that could happen.

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There is no law that says a child can't be placed in Religion X, Y or Z. If it's the best interest of the child, that can happen.

So I just wanted to make sure that while we were talking on the House floor and maybe if someone is listening other than the gentleman from Martinville's mom on the Internet that they would know what the law is. Thank you.

MR. SPEAKER: The gentleman from Spotsylvania, Mr. Cole.

DEL. COLE: Thank you, Mr. Speaker. I rise for an introduction.

MR. SPEAKER: The gentleman has the floor.

DEL. COLE: Mr. Speaker, I guess the – I don't know if they're still there or not, but we do have a group of

students, third, fourth and fifth graders from St. William of York School in Stafford County that are in the Capitol today and I'd hope we could give them a warm welcome to the Capitol.

(Applause.)

MR. SPEAKER: The gentlewoman from Richmond [27] City, Ms. McClennan.

DEL. MCCLENNAN: Mr. Speaker, I rise for a motion.

MR. SPEAKER: The gentlewoman has the floor.

DEL. MCCLENNAN: Mr. Speaker, I ask that Senate Joint Resolution 5007 be taken up out of order.

MR. SPEAKER: The gentlewoman from Richmond City moves that House Joint Resolution 5007 be taken up out of order. As many that favor that motion will say "Aye."

DELEGATES: Aye.

MR. SPEAKER: Those opposed "No." The Clerk will report a resolution.

THE CLERK: Yes, sir, Mr. Speaker. Senate Joint Resolution Number 5007, commending the (unintelligible words) University 2010/2011 men's basketball team.

MR. SPEAKER: Shall the resolution be agreed to? As many that favor that motion will say "Aye."

DELEGATES: Aye.

[28] MR. SPEAKER: Those opposed "No." The resolution is agreed to. The gentlewoman from Chesterfield, Ms. Robinson.

DEL. ROBINSON: Mr. Speaker, I rise for a motion.

MR. SPEAKER: The gentlewoman has the floor.

DEL. ROBINSON: I move the House adjourn today in the honor, excuse me, of Taylor Lane Anderson. Taylor is the young teacher who died in Japan in the tsunami and her family has been friends of mine for many, many years. She died because she stayed to help the children get to their families before she left the school.

And she is a graduate of St. Catherine's. She also a graduate of Randolph Macon College and she was there for two years teaching the Japanese children to speak English, as well as teach the older folks who are in her neighborhood to also speak English. And I would like for the House to adjourn in her honor today if that's possible.

[29] MR. SPEAKER: The gentlewoman from Chesterfield, Ms. Robinson, moves that when the House adjourns today that it adjourn in the honor and the memory of Taylor Anderson. As many that favor that motion will please rise. That motion is agreed to. The gentleman from Albemarle, Mr. Bell.

DEL. BELL: Mr. Speaker, I rise for a motion.

MR. SPEAKER: The gentleman may state it.

DEL. BELL: Mr. Speaker, I would ask unanimous consent of the body to allow the introduction of a commending resolution. The United Christian Academy's boy's basketball team won a state-wide title. I would like to give it to them before some of the seniors graduate, so I ask for unanimous consent.

MR. SPEAKER: The gentleman from Albemarle, Mr. Bell, moves, asks for unanimous consent to

introduce a commending resolution. As many that favor that resolution will say "Aye."

DELEGATES: Aye.

MR. SPEAKER: Those opposed "No." That [30] resolution – that motion is agreed to. Are there further motions or resolutions under Rule 39? If not, the clerk will call the calendar.

THE CLERK: Yes, sir, Mr. Speaker. Calendar of the House of Delegates 2011, Special Session 1 for Tuesday, April 5th, 2011. House bill on second reading, regular calendar. House Bill 5001, a bill to amend the code of Virginia by adding to Article 2 of Chapter 3 of Title 24.2 and Section Number 24.2-304.03 and repel Sections 24.2-304.01 and 24.2-304.02 of the Code of Virginia relating to House of Delegates districts report of (unintelligible word) election on April 4th with substitute.

MR. SPEAKER: The gentleman from Suffolk, Mr. Jones.

DEL. JONES: Mr. Speaker, I would move the committee substitute.

MR. SPEAKER: Questions on adoption of the committee substitute. As many that favor that will say "Aye."

[31] DELEGATES: Aye.

MR. SPEAKER: Those opposed "No." Substitute agreed to. The gentleman from Suffolk.

DEL. JONES: Mr. Speaker and Ladies and Gentlemen of the House, the substitute that is before you for House Bill 5001 is the every 10 year bill that this body and the General Assembly must consider required by the Constitution and that is to reapportion

and redistrict the 100 districts in the House of Delegates and the 40 districts in the Senate of Virginia.

The plan before you as amended, in my opinion, is a fair amendment. It's representative of all Virginians, including our minority communities.

This past decade we had serious population shifts within our Commonwealth. Yesterday I was trying to explain, I didn't do a very good job of explaining maybe the fall line. What I did last night, I prepared a map for us to look at.

If you look at the red, red means bad. That means you lost. Yellow means you lost as well. [32] So if you can see coming from Hampton Roads, across up through Lynchburg and on up into the great far reaches of southwest up in the hills that are so beautiful and down to the great far southwest, that is about 3.1 seats, I believe.

And blue is good. Blue means you picked up. This little area up here picked up 2.88 seats. It does not include Stafford, I do not believe. So if you can look at the map and what – you know, like I said yesterday, you have to play it where it lies in golf.

This is what the numbers tell you. The numbers are very simple. You had some moderate growth compared to the overall growth of Virginia and coming up through central Virginia up into the Valley. You had tremendous growth up in the Northern Virginia area, especially Louden County and Prince William County.

But you had in reference to the balance of the Commonwealth tremendous loss of population proportionally. So no, this was not a plan to go just grab and put somebody in another district. [33] The

map's pretty clear that you've got to move three seats. We had over a 1., 1.7 seat loss here in Hampton Roads. A 1.14 seat loss in Southwest Virginia and about a, between these three about an 8/10s of a loss in that part of our Commonwealth.

Just kind of wanted to give a visual so we can see what we have to work with when we're actually drawing the lines, which is required by our Constitution and the mandate of the one-person, one-vote.

You know, much has been written about a bipartisan map, bipartisan cooperation for the last several years. This is my 14th year in this body. 14th session. Excuse me. Not year. And I have heard since I guess I arrived the need for a bipartisan way of going about and redrawing the lines for this Commonwealth that the people have been left out of the process.

Well, we are the people's representative. We stand every two years. This is the people's House and every two years they decide if they want us to come back or not. When I got here in 1998 I think [34] I was Number 95. Today I'm Number 28. That tells you the turnover that we have had in this body in seven election cycles.

So giving – given, excuse me, the task at hand and our Constitution the P&E Committee met a week-and-a-half ago on Friday and considered criteria and we had I believe five that we chose. They were of population equality, the Voting Rights Act, contiguity and compactness, single member districts and communities of interest.

I mention these because we've heard these terms kicked around in many different I guess meetings, forums, et cetera, and I think all these criteria are

important as they do represent what is the fabric of the Commonwealth, our people.

But there's a couple of things from my perspective, and not just mine, but the

Constitution, that require our utmost attention. Quite simply, the law; one-person, one-vote. That trumps the Voting Rights Act; equal protection under the 14th Amendment. That was our Number 1 criteria.

[35] Number 2 was the Voting Rights Act. I can't say that I can relate to what occurred back in the '60s because I was just a young man, but I can tell you that the Voting Rights Act is something that has made a tremendous difference in America.

It has changed the fabric of this country because all people have an opportunity to participate in the process, as they should, as they well should. We heard a speaker, several speakers, one in Hampton and one yesterday, who was talking about the factual that he defended the rights of Americans when he felt like he did not have that right, full rights accorded or forwarded to him.

So Number 1 and Number 2 are the most important things to the P&E Committee. They were the most important things to me as I drew this map.

Yesterday we had another bill that was before us. That was I think the College Competition Plan. The young man did a fabulous job. I thought that he did exceptionally well. I think [36] the gentleman from Dickinson was laughing, he says, "Chris, that was you 40 years ago." He was being kind of polite. Maybe about 42 years ago, but I wasn't going to tell him that.

Their Number 1 criteria was communities of interest, contiguity and compactness. They're Number

3 and Number 5 on our list. They're Number 3 and Number 5 for a reason; because one-person, one-vote is the overarching principle of what this country stands for in my opinion.

So with that in mind, as I – as we went to put a map together and criteria we took a

1 percent, plus or minus 1 percent deviation. Some say, "Why did you do plus or minor 1 percent? Why didn't you do plus or minus 2 percent from 10 years ago?"

Well, since the last time we were here with this exercise there have been several court cases that have spoken to that and when you look at the criteria in the court case that was decided, it was then Georgia. It was the Larios case. There was an intentional concentration of one party and [37] the under population of another party. There were four different sets of criteria that were violated. And so what used to be the plus or minor 5 percent safe harbor no longer exists.

And Virginia is very unique. We have a tight timeline. People think we have rushed this through. But I will tell from 10 years ago we got the data on like the 7th or the 8th of May – or March. It made it very tight for us to get everything done, passed, and to DOJ in time to be able to have primary elections in the summer.

This year we got the data on I think the 8th or something of February, which afforded us an opportunity to have time for some public comment and public hearings across the State with plans in hand as we went to the public.

We had six public hearings last fall. As chairman of the Reapportionment Committee we had a public comment period the last week of session that took the existing districts as they stood and we pulled in the data that we – that was given to us by the Census, from the April 1st, 2010 Census.

[38] Then we had a series jointly with the Senate, eight public hearings. We received a bevy of testimony from all walks of life; local-elected officials, registrars, community leaders, members of this body and the other body, private citizens just concerned about their community.

So as we went through that process we heard a lot of comments about communities of interest, but also protecting the one-man, one-vote, or the one-person, one-vote, and I think most importantly not retrogressing with regards to the number of majority/minority districts or the effective voting strength of those communities.

We heard a gentlewoman from Petersburg yesterday speak of an effective voting strength. And when we looked at what was the best thing to do, demographic shifts, population shifts caused a reconfiguring of the map as has been alluded by the gentleman from Henry and a article that was in the Roanoke Times today and some individuals yesterday.

I did note when I looked at the gentleman [39] from Henrico, I stayed up again late last night and I studied the plans from the college students and I did look at their plans and I did test, put the test to it. Because it's not an academic exercise for us. We're bound by the law. I know when I was in college I used to always – "Man, these guys are really smart" when a

professor would tell me how things would work in the lab or, you know, a theory.

When I got out in the real world sometimes it didn't really work. Gosh, it makes sense in a clean, sterile lab, but when you put it out in the world it just doesn't happen. It just doesn't work.

So I thought I would peel back the onion, as we like to say back at home, and I looked at the first place winner in the competition division. They had 10 majority/minority districts. We currently have twelve. Their deviation was plus or minus 4 and 4.75 percent. A total deviation of 9.5 percent, where we have 2 percent.

And the low black voting age population of [40] registered votes, age eligible, I should say, was 50.6 percent to get 10 districts. If I wasn't constrained by the law I could draw the prettiest map in town. They could be concentric circles like the gentleman from Henrico would love to have. They could be compact and contiguous.

But we're not about compact and contiguous when it trumps the rights and I think the ability of the one-person, one-vote to be equally represented.

The gentleman from Prince William has 190,000 people in his district today. The gentleman from Henry has 68,000. He has enough for a Senate seat within their deviation. Now, some would say that, you know, that's not right. So that's why we're here today to reset the maps for the next 10 years.

Then I looked at the University of Richmond first place commission, the commission division and they had seven majority/minority seats. They had a 9.8 percent deviation and their low on the percentage was

50.2 percent. The University of [41] Virginia, they were the second place in the competition, had nine majority/minority seats. They had a better deviation, 2.94 percent, but they still were as low as 59.2 percent on the voting age population.

Now, everything that I have seen in my 25 years in elected office has indicated to me that in the minority community there, there are not as many registered per hundred as there are in the white community and then the turn out is different as well.

So if you don't – as we heard in our testimony, and as Delegate Dance and Spruill and some other individuals and leaders in the community have said, if you don't have an effective voting strength then there's a good chance that over the time of 10 years you will see a dilution of their ability and there is the community.

Not that I am – it's not my seat. I think the gentleman from Chesapeake, Mr. Spruill, would agree with this. He can probably get elected with [42] a lower percentage. But he represents the community and the law states it's the community's ability to elect the candidate of their choice.

So that's why the testimony led me when drawing this map to not retrogress with the number of seats, which we didn't, and to keep an effective voting majority within each and every district. We had to keep the core of those districts, because I think that's very important, and because of the population shifts you did see a decrease in some of the percentages, but all were above 55 percent.

So as I continued to work, work this map I tried to do the best I could to meet the plus or minor 1 percent. It's obvious to me that from comments I received from

colleagues who called me, who stopped by my office, who wanted to discuss their community and what the bill as introduced last week would do to that community if it passed, I said, "I'll be glad to sit down with each and every one of you who want to meet with me" and I did and I think through that process you have this [43] substitute today.

Now, the gentleman from Fairfax, Mr. Sickles, can speak to the amendments that are before you from Northern Virginia much better than I can. He knows where all the Metro stops are. I don't know. I know where to avoid traffic a certain time of day. The gentleman from Arlington, Mr. Brink, can certainly relate to his community much better than I can.

So once the map did come out those two individuals came to me and said, "You know, these two areas have kind of split up their community of interest. You know, what can we do to try to put those back together?" And as I weaved this, you know, theory or this concept of public input, last year was very important to the Reapportionment Committee, first to have an avenue for the public to have input. Not just to the public hearings, but along the way throughout the process.

So we decided to put a little feature online. You could go in and actually click and say, "In my neighborhood I don't like the fact that you have [44] done the following to me or to my neighborhood and we have been together for the last however many years."

Well, I read all of them that came in, just so you all know, and it was interesting that one of them, a couple of them we were able to do. I received a request on the 4th – or the 1st of April a question that we make a technical adjustment in the boundary line between

House district 29 and House district 10. And of course the gentlelady from Frederick, and my departing seat made unfortunately, came to me and said, "Can we fix this?" So we sat down and we did fix it.

Then there was e-mail that I received from a gentleman on the 3rd of April that said Mateo (ph) was split into two districts. Well, I really don't – didn't know what, you know, the Mateo district was. So I called the gentleman from Northern Virginia, I said, "Can you help me out? Can you explain it to me?"

So in this substitute before you have Mateo put back together. We actually – it came from [45] this comment that this individual made on the 3rd of April.

So this entire process has been open. We have taken comments from any and all who wish to make them and we have considered them. Have we been able to honor all of them? No, we haven't. Ask my daughter; I can't honor all her requests. Wish I could, but I can't. Her mom won't let me.

So when we get to today what brought us here to this point with the substitute was the fact that I sat down with members of the Northern Virginia delegation, members of the Black Caucus, some of our rural friends who had concerns about the mountains and where things are and where things aren't. And so you will notice that there are some amendments across the entire Commonwealth to this bill as far as where the precincts were in 5001 and are in the substitute that's before you.

Mr. Speaker, I would like to close because I know there will be some questions more than likely and some, some debate. I think in closing the most important thing for me and for us is the [46] principle that the one-person, one-vote and compliance with the

Voting Rights Act and I am confidence that what is before us does exactly that.

And point of order, if I can, Mr. Speaker, I believe we have, the substitute has been moved? Is that correct or not correct? It has been. That's what I thought. The substitute has been moved. So with that, I'll be glad to answer any questions. I'll be glad to sit down.

MR. SPEAKER: The gentleman from Henry, Mr. Armstrong.

DEL. ARMSTRONG: Will the gentleman from Suffolk yield for a question?

MR. SPEAKER: Will the gentlemen yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: I would ask the gentleman, the gentleman is the chief patron of the bill. Can the gentleman tell me how he came to be the chief patron of this legislation?

DEL. JONES: By walking to the second floor [47] and introducing a plan that I had drawn to have a bill generated, like any other bill that we have that comes before this body.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Was there any discussion amongst the majority party leadership that the

gentleman would be the one that would be drafting the lines and would oversee the redistricting process?

DEL. JONES: I would say to the gentleman that I guess given my experience from 10 years ago I was a logical one to consider to do that. I had an interest in it. So I took the initiative to – I enjoyed last time working with the software and I enjoyed it this time as well.

DEL. ARMSTRONG: Further question,

Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

[48] DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Was there conversation with the leadership of the majority party, and leadership would include the Speaker of the House of Delegates, the majority leader of the House of Delegates with the gentleman would be taking the lead on drafting the plan?

DEL. JONES: Mr. Speaker, I would say to the gentleman that there was never discussion that I would put the bill in. It was my desire from the very beginning – when I take on a task I do it one way; I'm all in and I'm going to make sure that it's done. I think my fellow budget conferees know that by the way I approach the budget and I think those that work with me at the pharmacy know that and I think my constituents know that.

So I would say to the gentleman I took it upon myself to put the bill in and that's what's before you.

DEL. ARMSTRONG: Further question, [49] Mr. Speaker.

MR. SPEAKER: Will the gentleman yield? DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Can the gentleman tell me what other members of the majority party that the gentleman worked with in the development of the plan?

DEL. JONES: Well, I can give him some of the minority party as well and I'll be glad to do all that, I'd be glad to list the names for him. I had input from the gentleman from Arlington, Mr. Brink; the gentleman from Fairfax, Mr. Sickles; the gentlewoman from Richmond, Ms. McClennan; the gentlelady from, gentlewoman from Petersburg; Ms. Dance; the gentleman from Chesapeake, Mr. Spruill. I had, let me see, the gentleman from Fairfax; Mr. Albo; the gentleman from Albemarle. I think he's over here. Mr. Bell. Any assorted other individuals. I made this a very open process and I think that any member that called to me, while they [50] might say I didn't always get back to them in a timely manner because of the fact at times I felt I was drinking water from a firehose, I got back to them and sat down with them.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Can the gentleman share with me today what data he had access to and what data he utilized in the development of his plan?

DEL. JONES: I had access to the data that the Census Bureau provided us.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Does the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Can the gentleman tell me was there any additional data that the gentleman used in the development of the plan besides the [51] Census data?

DEL. JONES: I do know that the second floor I believe compiled the '10 elections, the '09 elections and I think they just got the '08 elections put in their computer.

DEL. ARMSTRONG: Further questions, Mr. Speaker.

MR. SPEAKER: Will the gentlemen yield?

DEL. JONES: I yield.

DEL. ARMSTRONG: Can the gentleman share with me what data that he used in order to determine the minority/majority district voter participation, what retrogression data he would have used in consideration in adopting a plan that that would have had 12 minority/majority districts?

DEL. JONES: I'd say to the gentleman that I used the data as it was provided by the Census Bureau to look at percent black population and percent black voting age population.

DEL. ARMSTRONG: Further questions, Mr. Speaker.

[52] MR. SPEAKER: Will the gentlemen yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Would the gentleman agree with me that just determining, in determining a majority-minority district is more than just determining what population that one has to analyze whether or not based on past voting patterns whether or not the minority population within such district has the ability to elect its candidate of choice and that requires more than just an analysis of raw Census data?

DEL. JONES: Mr. Speaker, I'd say to the gentleman he may be giving me more credit than he should. What I did, I listened to testimony that was provided during the process of all these public hearings that we had and I tried to respond to the community and what they felt was an effective percentage that they would need to have and effective representation of the candidate of they choice.

DEL. ARMSTRONG: Further questions, [53] Mr. Speaker.

MR. SPEAKER: Will the gentlemen yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: So the gentleman I guess is suggesting that there was not an analysis of that data that went into the preparation of the plan that's related in HB 5001?

DEL. JONES: Mr. Speaker, I would say to the gentleman that I gave him very succinctly what I used. His question to me was what did I use in my

preparation of the plan to present to this body and I just gave him the answer of the process.

DEL. ARMSTRONG: Further question, Mr. Speaker.

DEL. JONES: I have not finished my answer.

DEL. ARMSTRONG: I apologize, Mr. Speaker.

DEL. JONES: I think it's called a PL. I always get it backwards, the data that comes from the Census Bureau. It has 264 categories. It's got every iteration you can think of combination of percentages. And simply what I looked at was [54] the existing core districts that were in place for the 12 majority-minority districts and I saw that in the 71st District in particular that the majority percentages dropped from almost 60 percent to 50 percent.

And so in putting together a plan I felt communities of interest were very important and that the percent of black and black voting age population were the two things that would drive putting those districts back to a competitive level where they might have retrogressed over the 10 years period.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield? DEL. JONES: I yield.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: Can the gentleman tell me whether he or any persons that worked with him in the development of the plan that resulted in HB 5001 took into account any retrogress analysis regarding minority performance in any of the 12 [55] majority-minority districts that are part of HB 5001?

DEL. JONES: I would say to the gentleman I'm not aware of any.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield?

DEL. JONES: Yes, sir.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: The gentleman just mentioned that communities of interest were an extremely important criteria. Would the gentleman say that that was a more important criteria in the development of the 12 majority – majority-minority districts than would have been the racial voting pattern and whether or not the minority population of those districts can elect their candidate of choice?

DEL. JONES: No, sir. I'd say to the gentleman, as I stated in my opening remarks on the bill itself, that the most important items were one-person, one-vote plus or minus 1 percent [56] deviation, full compliance with the Voting Rights Act, and communities of interest, while important, are not the overarching, were not the overarching driver of this plan.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield?

DEL. JONES: Oh, yes, sir, I yield.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: Could the gentleman tell me though where in terms of development of the 12 majority-minority districts what were the most

important criteria that were considered of those that were developed?

DEL. JONES: Mr. Speaker, I would say to the gentleman there wasn't a most important criteria. You know, I'm not a very sophisticated person. I'm not the smartest guy in the room most of the time. And I looked at what had happened over the last 10-year period given the existing population and demographic shifts and I tried to restore back to the best of my ability to the levels that were [57] existing after House Bill 1 one passed in 2001. DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield?

DEL. JONES: I yield.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: So if gentleman indicates there was not a full retrogression analysis done, how does, how can the gentleman assure us that the 12 majority-minority districts that are comprised in HB 5001 are actually districts in which the minority population is able to select its candidate of choice?

DEL. JONES: Mr. Speaker, I would say to the gentleman that typically as I understand it, that is done in your process when you file with DOJ. I had to look at given the tight time frame that we had to deal with the percentage of black population and the percentage of black voting age population and that was the approach that I used. 10 years ago I don't – didn't use the methods that the gentleman is suggesting. I am [58] confident from the testimony in the community that what is before you is a plan that will allow the minority community to elect a candidate of their choice based on the input received during the

public hearing process and from the individual members of the Black Caucus and the black community.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield?

DEL. JONES: Yes, sir.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: Well, would the gentleman not agree with me that he had available to him the resources of the Division of Legislative Services; that if the gentleman had requested a full retrogression analysis of the majority-minority districts it could have been accomplished?

DEL. JONES: Mr. Speaker, I would say to the gentleman that if he says so, I'll believe him.

DEL. ARMSTRONG: Further question, Mr. Speaker.

[59] Mr. Speaker: Will the gentlemen yield? DEL. JONES: I yield.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: So the gentleman would not dispute that statement, the affirmative statement that I just made?

DEL. JONES: Mr. Speaker, I do not have enough knowledge to agree or disagree. That is his opinion. I certainly – he certainly is entitled to it.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield?

DEL. JONES: I yield.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: The gentleman alluded in his answer that given the "time constraints." Is the gentleman suggesting that there was insufficient time in which to conduct a full analysis of the majority-minority districts in their population and whether they're able to select their candidate of choice?

[60] DEL. JONES: No, sir, that was not what I was answering to his question. He's a very accomplished attorney and I understand where he's going with his questioning. My comment was just a statement of fact.

As a matter of fact, let me read – gosh, I think I've got a couple quotes here that might help as we look at the, what we're having to deal with. This is Bob Gibson from the Sorenson Institution. "The Voting Rights Act for all practical purposes guarantees that districts with a majority of black or Hispanic residents stay about as strongly majority-minority or considerably Hispanic for the next 10 years as they were during the past decade."

And I think that that's pretty obvious to those who follow the process; that if you don't get it back as best as you can to the previous strengths that there's a chance that they might not perform as they should. Hence, the valuable nature I think of the testimony that we received from the minority community during the whole [61] public hearing process.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield?

DEL. JONES: I yield.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: Is the gentleman familiar with the Voting Rights Act?

DEL. JONES: I say to the gentleman, I am not an attorney, but I have a, you know, working knowledge of it.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield?

DEL. JONES: I yield.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: Within that is the gentleman familiar with Sections 2 (sic) and Section 5 of the Voting Rights Act?

DEL. JONES: I would say to the gentleman, Mr. Speaker, I am – I have a general knowledge. Yes, sir.

[62] DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield?

DEL. JONES: I yield.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: The gentleman is aware that Virginia is one of 16 states that is presently required to comply with the Voting Rights Act in the development of its districting plans?

DEL. JONES: That's correct, I would agree, Mr. Speaker. Not all of Virginia, I would add, but Virginia itself. There are certain counties that are out of the Voting Rights Act, they've requested that, and so – but that's not a correct, totally correct statement. But I

would agree with him in general that is an accurate statement.

DEL. ARMSTRONG: I stand corrected that the State in terms of drawing legislative lines, House, Senate and congressional is within the voting rights, purview of the Voting Rights Act.

DEL. JONES: And I would agree with that.

[63] DEL. ARMSTRONG: Right. Is the gentleman aware that –

Mr. Speaker: Does the gentleman yield?

DEL. ARMSTRONG: – that the Voting Rights Act requires –

Mr. Speaker: Does the gentleman yield? The gentleman yields.

DEL. ARMSTRONG: I apologize, Mr. Speaker. Will the gentleman yield for a question?

DEL. JONES: Yes, sir, I yield.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: Okay. Would the gentleman agree with me that under Sections 2 and Section 5 of the Voting Rights Act that Virginia must maintain to the extent possible all of its majority-minority districts?

DEL. JONES: I would say that would be the goal, yes, sir.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield?

DEL. JONES: I yield.

[64] Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: Is the gentleman also aware that under Section 5 or possibly 2, but Section 5 of the Voting Rights Act that additional majority-minority districts must be created where practical?

DEL. JONES: I would agree with that statement, Mr. Speaker. I would emphasis, though, that to me practical, as we heard through the testimony, was an effective voting age population. And when I was mentioning earlier about the plans that were before us, I think – I don't believe but a handful of the districts that were drawn actually would meet the Bartlett versus Strickland test, which, which a minimum amount legally required to constitute Section 2 district would be 50 percent plus 1.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield?

DEL. JONES: I yield.

Mr. Speaker: The gentleman yields. [65]

DEL. ARMSTRONG: Well, in determining compliance with the Voting Rights Act and whether or not these majority-minority districts are able to select its candidate of choice, did the gentleman do anything more than speak with the members that may represent those particular districts at the present time?

DEL. JONES: Yes, sir. I spoke with several citizens along the way who came to see me or called me and I listened to what they had to say. We had individuals at the public hearings who stated their concern; that the dilution of the percentage of voting age population

would greatly diminish their chance to be able to elect a candidate of their choice.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield?

DEL. JONES: I yield.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: But the gentleman did not include any type of retrogression analysis? And [66] by retrogression analysis I would mean an analysis of voting patterns of particular minority districts over, say, the last five to 10 years that would indicate that those districts would continue to be able to select its candidate of choice.

DEL. JONES: Mr. Speaker, I'd said to the gentleman of the plans that have been submitted and/or circulated around that were complete and total plans, the plan that is before you, in my opinion, fully complies with the Voting Rights Act as 55 percent or higher, which is testimony that we heard during the public hearings of percentage voting age population.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield?

DEL. JONES: I yield.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: But again, just to make certain I'm clear, that the gentleman believes it is in compliance, but the gentleman didn't, he or [67] his colleagues or members of the majority party, develop any empirical data that would tend to establish that?

DEL. JONES: I would say to the gentleman, Mr. Speaker, that I think anyone who thinks they know exactly what will be in full compliance probably hasn't been doing this very long.

Because the process is that you have to submit to the voting right – the section of the Department of Justice, the voting section, for preclearance. If there were certain litmus tests that had to be met you would not need to have preclearance.

So I think I've answered the gentleman's questions with regards to the retrogression analysis and I'd be glad to answer any other questions that he would have, but I have finished answering those questions.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield?

DEL. JONES: I yield, yes, sir.

Mr. Speaker: The gentleman yields.

[68] DEL. ARMSTRONG: Is the gentleman familiar that the Governor of the Commonwealth, Robert McDonnell, appointed a commission to develop a number of redistricting plans for the House of Delegates, the State Senate and congressional districts?

DEL. JONES: I am, I would say to the gentleman.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield?

DEL. JONES: I yield.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: I would ask the gentleman if he is familiar that, that two of the plans issued by the Commission dealt with the redrawing or redistricting of House of Delegates lines?

DEL. JONES: I would say yes, sir, I am aware.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield?

[69] DEL. JONES: I yield.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: Is the gentleman aware that one of those two plans developed by the Commission created a 13th majority-minority district?

DEL. JONES: I would say to this the gentleman, Mr. Speaker, yes, I am.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Does the gentlemen yield?

DEL. JONES: I yield.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: Can the gentleman explain to me the reasonings in his putting together HB 5001 as to why he did not create a 13th

majority-minority district?

DEL. JONES: Mr. Speaker, I'd say to the gentleman I think he's answered his own question with his line of questioning earlier about an effective – I think he's conflicted or he's confused in his approach here.

I think his line of questioning earlier was [70] taking into the fact that I didn't do a high enough percentage

to be – to ensure that one would elect, a community could elect the candidate of their choice. I have looked at the 12 and the 13th plan, Option 1 and Option 2, and neither one of those plans met what I think from the testimony that we heard throughout this process that the effective voting age population needed to be north of 55 percent. Each of those plans had a low of I think 52, 52 percent.

And from my experience in 25 years of running for office, having gone door-to-door, I know from analyzing quote, unquote my election results where there's a lower voter turn out, and in my opinion based on what we had heard from testimony, something of in the 52 percent, I do not think would be an effective voting strength for that community to be able to elect their candidate of choice.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield?

[71] DEL. JONES: I yield.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: Can the gentleman cite to me any empirical data on any of the 12th or potential 13th minority-majority district that would indicate that something less than a 55 percent minority-majority district would not allow the minority community in those districts to elect their candidate of choice?

MR. JONES: Mr. Speaker, I think I've answered this question earlier and I'm not going to – it is my opinion from what I have experienced and my belief and the testimony received from the community that they would like to have the best possible opportunity to elect the candidate of their choice and that further

dilution of the voting age population would do, would do a couple of things, but maybe allow them not to have the ability to elect the candidate of their choice either in a primary or in a general election.

DEL. ARMSTRONG: Further question, [72] Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: So the gentleman has stated that in his opinion nothing below a 55 percent minority-majority district would be sufficient for the minority community to elect its candidate of choice?

MR. JONES: I'm not sure he was listening closely. I said it's my opinion from the testimony that was received during our public hearings that the community felt that they needed a percentage of 55 percent or better. That was my response to the gentleman.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: The testimony the gentleman is referring to, was that testimony that was [73] received during official public hearings of the House Privileges & Elections Committee?

MR. JONES: Yes, sir, it was. I believe it was probably in the court record. We had a court reporter at all of our meetings.

DEL. ARMSTRONG: Further question, Mr. Speaker.

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: So the gentleman is stating that the entire basis of his opinion was garnered at those public opinion – public hearings in which evidence was received and the record and transcript made?

MR. JONES: No, sir, I didn't say the entire. The entirety ws not.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Can the gentleman share with [74] me what then additional information that he did not glean from the official Privileges & Elections Committee meetings which were recorded that led to his development of the 12 minority-majority district plans?

MR. JONES: Mr. Speaker, I think I answered the gentleman's question before in my earlier remarks and I will stand by those remarks.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Mr. Speaker, I would ask the gentleman whether there was any consideration given to the creation of a 14th minority-majority district in Southside, Virginia that would have included the city of Martinsville, the city of Danville and territory in both Henry and Pennsylvania counties.

MR. JONES: Mr. Speaker, I'd say to the gentleman, I believe that was what was presented [75] to us yesterday in the public hearing yesterday morning. And if I'm not mistaken, I don't believe it would meet the Bartlett versus Strickland test.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Can the gentleman tell me that in less than 24 hours the gentleman was able to conduct a retrogression analysis or develop data and information that would lead him to conclude that it wasn't a viable minority-majority district?

MR. JONES: No, sir. I guess, Mr. Speaker, he's not quite up on the law that – like I thought he was. Bartlett versus Strickland was a Supreme Court case and very clear in what their response was. 50 percent plus 1 is what is required from a Section 2 perspective to be able to draw a majority-minority district. It does not mean that it's an effective majority-minority [76] district.

And with the map that was provided it's pretty simple to go in and plug in the numbers and see where it, where it ends up and it did not meet the Bartlett versus Strickland test.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield. And I would like to add, Mr. Speaker, if I could, that was just one district drawn independently of all the other 99 and I think we all must acknowledge that anyone – I had several members during this whole process that came to me, "Just between my neighbor and I, can we switch these couple of precincts around?"

And that reminds me of another maybe quote that I had that really is – I thought was pretty telling. A couple quotes, if you don't mind. Nancy Tate, the executive director of the League of Women Voters of the United States, was talking about the mapping software and talked about the challenges were the same as they always have been.

[77] This is really complicated. It is not self-evident what is a perfect plan. So while someone might have a district that they have drawn that would effect other districts, you can't in and on itself unless it fits into the overall quote, unquote plus or minus 1 percent necessarily make it work.

And I would add that I thought one of the seniors had a very interesting quote from Mary Washington University. More than once Mike Calbert, Mary Washington University senior, said he found himself in an unworkable map and had to start over. The second he moved the lines a little bit the population goes out of whack in other districts. Calbert says, "It's incredible how delicate the balance is."

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Mr. Speaker, I would say to [78] the gentleman that data has been supplied to me that the Commission developed by the governor and the creation of a 13th minority district indicated that it would – it could be created without dilution of the other 12 districts with a 53 percent black voting age population and still be in compliance with a plus or minus 1 percent deviation. Does the gentleman agree or disagree with the conclusions of the Governor's commission?

MR. JONES: I think – I don't believe they said that it would pass and meet every test of the DOJ meeting and the Voting Rights Act. I think it was clear they wanted to show that, what the potential might be to draw a 13 plan.

Now, I can have someone go over to my office and get their report and I can go look at it, but I did highlight some. I didn't bring it with me. I believe that they said that's something for us to consider, but that they were not – they did not make it as a rock solid recommendation that it would be an effective, that those 13 districts [79] would be effective in representing – in allowing that community or those communities to elect the candidate of their choice.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Well, does the gentleman disagree – if the assertion from the Commission is that it is an effective minority-majority district, does the gentleman disagree with that assertion?

MR. JONES: Mr. Speaker, I would say to the gentleman that I don't do "ifs." The plan that is before this body in my opinion completely complies with the Voting Rights Act of the United States of America.

And I think that the plan, other plans that have been developed had a much wider deviation and that the 14th Amendment, the principle of one-person, one-vote trumps at the end of the day [80] and I am quite confident and satisfied that House Bill 5001, the substitute that's before this body, fully complies with the Voting Rights Act.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: Mr. Speaker, I didn't bring my attorney on the floor, but I will be glad to yield.

THE COURT: The gentleman yields.

DEL. ARMSTRONG: I would ask the gentleman, can the gentleman tell me whether are not he or anyone else on the House Privileges & Elections Committee who are members of the majority party reached out to any civil rights groups regarding development of the plan that resulted in HB 5001?

MR. JONES: Mr. Speaker, I would say to the gentleman that members of the NAACP did speak to the assembly of the P&E Committee in various forms and I have – they have provided their input and have stated what their wish would be.

DEL. ARMSTRONG: Further question, [81] Mr. Speaker.

MR. SPEAKER: Will the gentleman yield? DEL. JONES: I would yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: So while the gentleman received testimony from various groups, the gentleman did not affirmatively contact any such groups?

MR. JONES: I would say to the gentleman that I did not affirmatively contact anybody, mainly because I was trying to put together a map and a plan that would meet those two tenants; the one-person, one-vote and the Voting Rights Act.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: I would say to the gentleman that one of my concerns has been that this process is rushed and that there has been insufficient time for the public to comment once plans were [82] developed. Would the gentleman respond to my premise?

MR. JONES: Yes, sir, I'll be glad too. Mr. Speaker, I would say that I heard that from other individuals. I guess about a year-and-a-half ago concern was brought to me during a bill that was presented to the subcommittee of P&E, the Elections subcommittee.

A gentlewoman from the League of Women Voters made the commitment then, which was followed

through last year and this year, to have a series of public hearings across the Commonwealth of Virginia, which we did six last year. We had one during the session this year and we've had eight during the last weeks.

And I would note that I believe for the first time ever we actually had a plan out prior to the public hearings and while it had been promised to us from the Commission and the like, their plan didn't come out until I think Friday night 8:30.

So I think I mentioned to the gentleman yesterday in the morning hour, I should say in [83] response to the gentleman from Henrico, that that's why I stayed up until 2:00 on Monday morning looking at those plans just to see what they had done, because I was interested to see because I had made a promise that I would consider and that we, this P&E Committee and this body would consider any and all public input that was provided to us.

I think the tool that we have that was utilized by citizens going online looking at the interactive maps was very helpful. The phone was very helpful. The public hearings were very helpful. Sometimes a pharmacy is very helpful. People would come in and say "Here," say "There." And we all know that we meet our constituents in the grocery store. So there's been public input provided along the way which was considered and is reflected in this map that is before this body.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

[84] MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Well, but would the gentleman agree with me that the plan that is the basis of House Bill 5001, albeit it's had some amendments since it was originally put out in the public, has only been publicly disseminated for less than a week?

MR. JONES: Mr. Speaker, I would say to the gentleman I think it would be more than a week, as this is Tuesday and it would be – seven days would have been yesterday. This would be the eighth day.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield? DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: So the gentleman believes that seven days is sufficient for the public at large, and particularly civil rights groups and other groups that are interested in minority representation in this state to assimilate the [85] plan and to comment on the plan?

MR. JONES: Mr. Speaker, I think I was answering the gentleman's question what his opinion was. I was not providing my opinion. I was responding to his assertion that it was less than a week.

I would say to the gentleman that this is unprecedented, the amount of opportunity to have public input and those groups that have been interested in this for some time, as soon as the map was up online we were overwhelmed with activity. And I have received input from a lot of those groups as to a good job, not so good a job, but thank you for

putting it out there and having the – you know, to put it out there prior to the public hearings.

It was a concern that some said they would not be seen prior to the public hearings on, on Thursday. I felt very strongly that that needed to happen; hence, I stayed up till 3:00 on Tuesday morning to have a file to get to Legislative Services so it could be posted and on the web by [86] Tuesday afternoon.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Can the gentleman tell me the time frame or by which if the General Assembly approves this plan, assuming that the Attorney General files for preclearance with the Department of Justice, when this plan would have to be approved by DOJ in order for us to meet deadlines for primaries elections in this State?

MR. JONES: Mr. Speaker, I'd be glad to. 10 years ago when the plan was proved it took about seven to 10 days to have everything prepared for DOJ submission. DOJ is, as I think most of you know, has 60 days to either approve, to object to parts of, or to reject. Typically what they will do is object and give you a chance to correct.

So as I understand the timeline from the body at the other end of the Capitol and from the, I [87] think what our rules and procedures are, if this bill were to pass out of here tomorrow hopefully we will – I think we're coming in early tomorrow morning. It would be communicated on a supplemental calendar to the

Senate and they would then receive this bill and they would go along with their rules and procedures.

Now, never having served in the Senate I can't tell you exactly what those are. Since this would be a bill that would come back to us amended from the Senate I would think that the timeline would be sometime maybe next Wednesday, Thursday at the latest. And the Governor I believe, I believe has seven days to act on the bill itself.

So I would think that – let's do the math. That would be two weeks from today. That's what? Today's the 5th. 19th, submission. I would think by the last week in April we could have that submission ready. So by the 1st of May. They have their 60 days timeline. We have our primaries the 23rd of August. I think we all want to adhere to the 45 day notice so we can get [88] overseas ballots; even though required for the federal elections, I believe, and not state.

I think that is something that really has, you know, pressed and pushed the time; because we are an 11 cycle, 11 election cycle state; meaning we have elections this November.

So I think that time frame would allow us to have ample opportunity for the public, should they so chose, and if someone doesn't like what I've done to know what the district will look like and they can go decide to sign up against me either in a primary or a general election, so where we don't compress it to where the public doesn't have full input and opportunity to participate in their government.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Would the gentleman agree with me though that we could have spent an [89] additional week to two weeks in having public hearings or additional public input or an additional period in which the public could review these plans before voting and still be able to timely submit it to DOJ and timely receive DOJ approval before we ran afoul of any election deadlines?

MR. JONES: I would say to the gentleman, no.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Is the gentleman not aware that DOJ provides for an expedited review of 45 days that would shorten the period of review by 15 days?

MR. JONES: Mr. Speaker, I am certainly aware of that. I would say to the gentleman that I believe this is the first time that we have a different DOJ as far as being a different party. I think it was – I think the lawyers on both [90] sides of the aisle over the last forty years kind of got to know all the different players involved in the process and I think they could maybe accurately predict what might happen if it was just not – that it's not a different Justice Department, but that if they – if it was the same Justice Department as before.

I just feel like the sooner that we have the plan available to be filed to Justice; if they have some

objections we'd want to have an opportunity to address those and to get them back to them in a, in a timely manner. Because what could happen is they could object and they'd have another 60 days once they object and that could put you 120 days out, which would then put you - that would May, June, July. August. So I don't think you would be able to, in that point in time to have your primary in August.

And I think that would actually benefit the incumbent by having it drawn out longer because the public would not really know what, what the districts might look like.

[91] DEL. ARMSTRONG: Further question,Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Mr. Speaker, I'd ask the gentleman, was he involved in the development of the criteria resolution that was utilized or ostensibly utilized for the Privileges & Elections Committee?

MR. JONES: I would with say yes.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Would the gentleman agree with me that it would – that criteria was used by the gentleman and the P&E Committee in the development of House Bill 5001?

MR. JONES: I would say that's accurate.

DEL. ARMSTRONG: Further question, [92] Mr. Speaker.

MR. SPEAKER: Will the gentleman yield? DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: The gentleman has already indicated, and I think we're all familiar, that the criteria included a number of things; communities of interest, contiguity, and of course, population deviation. Can the gentleman share with us how this criteria was developed?

MR. JONES: Yes. I would say to the gentleman that looking back over what has been done in the past 20 years ago and 10 years ago, reading the constitution, knowing what the law is basically, I drove this decision.

I think I mentioned in my opening remarks to the body that the only real change that you have here is the plus or minus 1 versus plus or minus 2 and that is due really to the Larios suit in Georgia; where it was a scheme by the party in charge to under populate and over populate for political gain. They over populated suburban [93] districts, under populated urban districts, over populated, you know, areas that would be favorable to one party versus the other.

So that really drove the change in the plus or minor 1 percent, because under the fact, under the – not fact. Excuse me. Under the scenario that if we did not get preclearance we would have a map that did not violate the Larios case, that would then allow a federal court to utilize the map that we had approved to address the objections of DOJ to make sure that the citizens would

be able to vote for individuals under the one-man, one-vote, one-person, one-vote principle and, hence, that's the main reason behind the 1, plus or minus 1 percent.

DEL. ARMSTRONG: Further question,

Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: When the gentleman refers to the Larios case, is he referring to Larios versus [94] Cox?

MR. JONES: It would be the one in Georgia. Yes, sir.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Does the gentleman not read that opinion that the court is not imposing a mandatory or an inflexible population deviation, but whether or not there is any legitimate state interest for – or lack of a legitimate state interest for deviating from that population?

MR. JONES: Mr. Speaker, I would say to the gentleman I am not an attorney, but I believe – and I believe I can find it here. I thought he might ask that question. Let me see if I can find it. I believe there were four circumstances in how they under populated or over populated and I believe the comment was any

one, any one of those – here we go. I knew I had it somewhere.

[95] Let me see here. I'll be glad to give what my understanding is of the Larios case. There were four situations that – patterns. Excuse me. Wrong term. I want to – my lawyer here has advised me that you all are very precise in court. While I'm precise as a pharmacist in my general discussions, especially with my wife I tend to be more general and always – that way I stay out of trouble.

There were four patterns. The GOP – the Rs were over populated. The Ds were under populated. The rural community was under populated in south Georgia. The urban areas were over populated – were under populated as well. The suburban areas were over populated. The high growth areas were over populated. The slow growth areas were under populated. The black areas were under populated and the white areas were over populated.

And I believe what they said was any one of these violations of the, would be – of the 14th Amendment would be sufficient to say that they had violated the one-person, one-vote.

[96] Now, that's my reading. I'm not an attorney, but I did attend some of the conferences that the gentleman from Henry did. I think we saw each other down in Texas. So that was kind of my reading of that, but that's a non-lawyer response to a lawyer's question.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: I would preface my next question by saying my reading of Larios indicates that there were – the population deviations there were done in a way and a pattern that would have favored one particular political party over another; that is, that where there were populations that were deviated down, they were done so for entirely political purposes.

My question is there have been a number of other cases, including one that the United States Supreme Court upheld, the 1970s House plan of [97] Virginia, where there was a 16.4 percent deviation because there was a rational state policy for doing so.

And the question that I pose to the gentleman is; would he not agree with me that he could have better effected minority representation in the State, that is with better effective minority populations within the 12 existing minority districts, plus the ability to create a 13th, by using a deviation percentage higher than plus or minus 1 percent? Would the gentleman not agree?

MR. JONES: No, I would not agree. I would say to the gentleman that what they did in Larios was actually plus or minus 5 percent. The case he referenced back in the 1970s, that's 40 years ago. That was before I guess I even got out of high school.

And I am aware of that case. I think that dealt with the Eastern Shore, if I'm not, if I'm not mistaken and those two counties. And I think the overarching principle as I stated in my opening remarks is the one-person, one-vote. That [98] trumps the Voting Rights Act as far as the 14th Amendment of equal protection.

And I believe in the Larios case it was not just the way they went about it, but what the effect of it was to not just for political reasons; because when we get caught up on the political side of the equation we forget the people.

And the example I used of the gentleman from Prince William having 190,000 people and you having 68,000 people in your district I think is what we are trying to correct and the plus or minus 1 percent was done to better reflect, like we do in our congressional redistricting, the one-person, one-vote.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: So the gentleman believes that the utilization of a plus or minus 1 percent [99] population deviation would achieve a better minority voting representation than utilization of higher population deviation?

MR. JONES: Mr. Speaker, I would say no. Maybe I didn't clearly give my response. My response was that the plus or minor 1 percent is a better reflection of the one-person, one-vote.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: So the gentleman then is, is not saying that a plus or minor 2 percent deviation would not have accomplished a better purpose in terms of minority representation? Does the gentleman take issue with that statement?

MR. JONES: Mr. Speaker, I would say to the gentleman that the plus or minus 1 percent I have spoken to directly. That is the one-person, one-vote.

DEL. ARMSTRONG: Further question, [100] Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: So the gentleman takes issue with my, my statement that plus or minus 2 percent would have done more to achieve minority representation?

MR. JONES: Mr. Speaker, I don't take issue with anything he just said. That's his opinion.

DEL. ARMSTRONG: Can I have just a moment, Mr. Speaker? I thank the gentleman.

MR. JONES: Thank you.

MR. SPEAKER: The gentleman from Henrico, Mr. Morrissey.

DEL. MORRISSEY: Thank you, Mr. Speaker. Would the gentleman from Suffolk yield for a question?

MR. SPEAKER: Will the gentleman yield?

MR. JONES: I'll be glad to.

MR. SPEAKER: The gentleman has yielded.

DEL. MORRISSEY: I would just like to begin [101] by thanking the gentleman for the number of hours that he put into this exercise.

(Applause.)

DEL. JONES: Mr. Speaker, I'd put forth –

DEL. MORRISSEY: First –

DEL. JONES: I'd just like to tell him I was telling some of my colleagues, and of course I didn't tell this to my wife, I think I did it for the pay, the praise and the free time it affords me to be at home with my family.

DEL. MORRISSEY: But I would like to ask the gentleman, with respect to his first initial remarks about the students' plans not complying with the Voting Rights Act, was the gentleman aware that there were thirteen colleges and universities, some thirty plans, and some of those plans were not – and those students' final plans who even won, they were not to comply with five categories, including equality of population, compactness, communities of interest, Voting Rights Acts and contiguity, but rather they were to focus on competitiveness? Were you aware of [102] that?

MR. JONES: Mr. Speaker, I would say to the gentleman I was aware of the fact that there were a plethora of plans that were introduced. I was also aware of the fact that the competition would include four winners, six if you count I believe the congressional. And so what I tried to focus on were the first and second place winners of both the division in competitive and I guess in the non – I guess it's the contiguity and communities of interest winners.

DEL. MORRISSEY: Would the gentleman yield for another question?

MR. SPEAKER: Will the gentleman yield?

MR. JONES: Yes, sir.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: And the last question dealing with the students; what I'm trying to get the gentleman to agree with is that as he, he mentioned earlier that some of the plans only came up with some figure less than 12 majority-minority districts and I'm just inquiring whether or not [103] the gentleman is aware that with those plans the focus was on competitiveness as opposed to complying with the Voting Rights Act?

MR. JONES: Mr. Speaker, I would say to the gentleman that my comments, my opening comments were the fact that this is not an academic exercise. I'd ask for –

DEL. MORRISSEY: The -

MR. JONES: I am responding to the gentleman's question, if he would like for me to. Or I'd be glad not to and he can ask another question.

DEL. MORRISSEY: I'm sorry. I thought the gentleman was finished.

MR. JONES: This is not an academic exercise; therefore, we have to look at the Constitution. We have to the look at what – the code of Virginia, the Constitution of the United States of America and case law. I believe my comments were that of the plans that were submitted, and we only had one other plan that was submitted to the body for consideration, but I took

and looked at the [104] other three plans that were not submitted as a part of my analysis.

DEL. MORRISSEY: Would the gentleman yield for another question, Mr. Speaker?

MR. SPEAKER: Will the gentleman yield?

MR. JONES: Yes, sir.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: Is the gentleman familiar with the work product of the governor's some would refer to it as blue ribbon, nonpartisan commission on redistricting?

MR. JONES: I would say yes. I was waiting to see that product on Wednesday and Thursday and Friday and Saturday of last week and I was pleased to know when we landed from the third of our three public hearings on Saturday, I got in about 10:00, that I was given notice that they had been filed and I came down here on Saturday – Sunday night and asked to be able to look at those to see exactly what was included in them.

DEL. MORRISSEY: Will the gentleman yield for another question?

[105] MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I will yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: Given that the gentleman is familiar with the Governor's Commission's plan, is the gentleman also aware that that commission was comprised of academicians, constitutional law scholars, professors, retired judges, all of whom were

faithful to the State Constitution, the United States Constitution?

MR. JONES: Mr. Speaker, I would say to the gentleman that I don't personally know all the individuals. I do know several of them. And I would say that they are committed, concerned citizens who have the best interests of Virginia at heart when they do any task that they are asked to do.

DEL. MORRISSEY: Will the gentleman yield to another question?

MR. SPEAKER: Will the gentleman yield? DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

[106] DEL. MORRISSEY: Is the gentleman aware that in the last 26 hours Professor Mike McDonald of that commission called Legislative Services because he could not match the numbers of total residents in the Commission plan with the number of total residents in the House plan and upon inquiry determined after speaking with staff that the House Privileges & Elections's plan 5001 did not, emphasis on the word not, count mixed raced individuals? Is the gentleman aware of that?

MR. JONES: Mr. Speaker, I would say to the gentleman that I am aware of that and that's not correct. As a matter of fact, the gentleman who is in charge of this who has done a fantastic job, Kent Stigall, came to me yesterday morning and made me aware of that fact potentially.

I told him to just go find out what the facts were and bring it back to me. And he came back and said no, we did include it in the calculation and that it is correct.

DEL. MORRISSEY: Would the gentleman yield for another question?

[107] MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield, yes, sir.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: Prefacing my question with a comment that I've got the empirical data in front of me of every single district and the percentage of VAP, black voting age population, with the House plan as compared with the percentage of the black voting population in the Commission's plan, can you tell me why in every single one of the districts, with the exception of two or three that are tied, the population in the House plan did not reach the same number as the population of the black voting age population in the Commission's plan?

MR. JONES: Mr. Speaker, I must admit to the gentleman – I told my wife I wouldn't use any versus from songs, so I won't. I'm a little dazed and confused. I'm looking here at the – what I have for the Commission plan, Option 1, and I have a high percentage of black voting age population of 56.8 and the low of 52.7.

[108] Now, I can tell the gentleman that in House Bill 5001 that is substituted before this body, we – every single, solitary district majority-minority is over 55 percent. Now, I know I wasn't that good at math, I'm not a math major, but from my reading of this and my double-checking it, that's what I have.

So maybe we just have – you know, numbers can say different things to different people and I can stand to be corrected based upon what I've had available to me throughout this process and I have – and I am detail

person. I double-check it twice. You know, I'm not a very good carpenter, so I always measure three times before I cut one time.

So I'm looking at it and I do not agree with that statement. As a matter of fact, the average black voting age population is 54.4 percent in the 12 plan from the Commission.

DEL. MORRISSEY: Would the gentleman yield for another question?

MR. SPEAKER: Will the gentleman yield?

[109] DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: I think the gentleman and I were speaking over each another. I'm not talking about the 12 majority-minority districts. Rather, I'm talking about each individual delegate's district, which the figures suggest that the black voting age population in your plan was undervalued, uncounted in each and every of the 100 districts that the Commission used.

And if you would like, I am prepared to go through it district by district. Was the gentleman aware of that point?

MR. JONES: Mr. Speaker, I would say to the gentleman that the concern that I had was, and I believe the court has ruled on this over the course of time, I think he's trying to get at the point of a majority – an influenced district and if you have 30 percent or 35 percent or something of that nature. That's not the argument that's before this body. I think that has been decided by the courts over time.

[110] But I would say to the gentleman that every attempt was made where possible to achieve and to have what were effective percentages in the 12 majority-minority seats to ensure that the community would be able to elect the candidate of their choice.

DEL. MORRISSEY: Would the gentleman yield for another question?

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: Of course.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: I respect the fact that the gentleman wants to continue to focus on the 12 majority-minority districts and not answer my question. So I'll ask one question that I believe can be answered with "yes" or "No."

Isn't it a fact that your data did not count people of mixed races when contemplating the percentage of, of black voting age population people; yes or no?

MR. JONES: I would say yes, it did. If I can answer that question; I believe there are five [111] or four. You do a Black Specific Islander, you do Black Asian, you do Black White. I think that aggregates to what the numbers actually is what you include and consider when you look at the percentages.

DEL. MORRISSEY: Thank you. Would the gentleman yield for another question?

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: Would the gentleman then state categorically that his methodology followed the

Bush Justice Department method of counting African-Americans?

MR. JONES: Mr. Speaker, I would say to the gentleman that's a legal conclusion on his part. What I would say to him is from what I understand of what we – what you're looking at and contemplating as a state of counting the minority population, we have done what is required by law.

DEL. MORRISSEY: Would the gentleman yield for another question?

[112] MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: Do I understand that the gentleman in response to the minority leader's questions said that yes, he and his fellow members on the Privileges & Elections Committee did have the time to study the Governor's Commission's plan not withstanding the late time of arrival?

MR. JONES: Mr. Speaker, I would say no. He didn't really hear what I said maybe. I did. I said I was the one who stayed up till 3:00 looking at it, because I knew that it would maybe be a question that might come up today and I had made the promise to look at all plans that were presented to be considered during the process of putting together this bill.

DEL. MORRISSEY: Would the gentleman yield for another question?

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

[113] DEL. MORRISSEY: Given that the gentleman then studied the plan, I would ask him does he distinguish as there being a difference between a 55 BVAP versus 53 BVAP?

MR. JONES: Mr. Speaker –

DEL. MORRISSEY: That is; does the gentleman consider that a significant and meaningful difference?

MR. JONES: Mr. Speaker, I would say based on the testimony that we have, that we heard during the process I would say yes, based on the testimony from the community.

DEL. MORRISSEY: Would the gentleman yield for another question?

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: Is the gentleman aware that the Governor's Bipartisan Commission that, as he already agreed, constituted constitutional scholars, as well as other academicians and professor and judges, were able to create a 13th [114] majority-minority district that had a 53B VAP, 53 percent BVAP?

MR. JONES: Mr. Speaker I would say to the gentleman, I haven't agreed to anything of the composition of his district. I would say to him that they certainly came up with what they felt were plans they wanted to present to this body and they did and thank them for receiving that information.

DEL. MORRISSEY: Would the gentleman yield for another question?

MR. SPEAKER: Will the gentleman yield? DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: Given that the Governor's Bipartisan Commission came up with a 13th majority-minority district, that according to their methodology included the following: It comprised a part of Suffolk. It included contiguous precincts in Portsmouth and Chesapeake. It did not unnecessarily split jurisdictions. It was compact. It was contiguous. It united, not [115] divided, communities of interest in eastern

Suffolk County and it did not jeopardize any other BVAP district in Hampton Roads or Southside.

Can the gentleman tell me why the panel or he, if he was the only one that reviewed it, rejected that 13th majority-minority district that seemed to comply with all constitutional requirements both state and U.S.?

MR. JONES: Mr. Speaker, I would say to the gentleman, that certainly is his opinion. But I would tell him, just correct him; I live in Suffolk, the city of. Born and raised. Live in Chuckatuck. I'm a (inaudible words). I looked at the plans. They came in and took out Ebenezer, took Driver and put it in with the 64th and they took and split the community of Chuckatuck away from other communities of interest; where I went to high school and where I've lived all of my life.

So it was obvious to me they did not keep nor unite communities of interest because they don't have the local knowledge that I do and I kind of [116] dismissed it out of hand as a play to really say, "Okay. We're going to go up and grab this certain population and then we're going to split a community and we're going

to try to see if we can (unintelligible word) there from here."

And what I would like to continue to add – and I didn't feel that is what should be done. So when I was contacted on another front – in the city of Richmond, for example, I sat down with the gentlelady, gentlewomen from Richmond and spent an inordinate amount of time going through neighborhood by neighborhood to make sure that we did not split the Fan, for example. We did not take and split this community.

So I would say to the gentleman that yes, I did see the plan. I thought it was interesting that they would go in and split up Chuckatuck and cut up this country – this city right in half and I don't consider that a community of interest. I think that the people in King's Fork, Eclipse, Hobson, Sandy Bottom would disagree with your assertion that they kept and put together [117] communities of interest.

And I would say from my perspective, sitting down with the members who represent the community, who know their constituents and are trying to work through to make sure you have a plan that makes sense, if you look at the city of Richmond now it's more compact, it's more contiguous, and I think it's a much better product having sat down and listened to the concerns of the people who represent the registered voters and the citizens of that area.

DEL. MORRISSEY: Would the gentleman yield for another question?

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: I appreciate the fact that the gentleman knows far more than I will ever know about Suffolk City, the county, than I do. But also given the fact that it is indeed a fact that in the last decade the communities of interest in eastern Suffolk County have been divided, but that [118] the Governor's plan will unite it, would he not agree that that was something for consideration among the public and all of the town forums that you visited that would have allowed a 13th majority-minority district?

MR. JONES: I would, I would, I would say to the gentleman I would not agree with that and obviously you couldn't have asked a better question about my neighborhood. They took Bennett's Creek pharmacy, where I live, out. They put Ebenezer – I mean where my pharmacy is out. They put where I live in another district. They put where I grew up in another district.

And I think for 25 years, I would think the people of Suffolk would say I probably represent the community. I stood for election, got elected at 27, was mayor early 30s, and have stood for election I think 11 or 12 times. So I would think a map doesn't tell one anything about a community. It's the fabric of that community. It's what they believe is in their best interests and who represents them.

[119] So what I would say to the gentleman is that the plan that I saw when I looked at Option Number 2 did not meet the criteria of what we had heard from our public community. Therefore, I thought it would injure the ability of the African-American community to be able to elect the candidates of their choice. It would probably take them from 12 down to 11 or maybe 10 and not taking 13.

So I thank the gentleman for his question because that's right up my wheelhouse as far as where I live and where I've been for 52 years.

DEL. MORRISSEY: Would the gentleman yield for another question?

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: With respect to the gentleman's comments about the fabric of the community, can the gentleman tell this body if there was one public meeting which was duly recorded where a citizen of Suffolk came forward [120] and said, "You know, we've looked at the Governors's plan. We like the fact, the way it unites a community, but we don't want you to do that. We want you to do it the way you proposed." Was there one single instance of record where that occurred?

MR. JONES: Mr. Speaker, I would say to the gentleman I had dozens of people come to me and say they wanted to keep me as their delegate. I think that answers his question.

DEL. MORRISSEY: Would the gentleman yield for another question?

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: Would the gentleman agree with me that the Governor's Commission's plan did not jeopardize any other BVAP district in Hampton

Roads or Southside? Would he agree with that statement?

MR. JONES: Mr. Speaker, I would not agree with anything that the – would not agree or [121] disagree because it's all hypothetical. It was an exercise based on a request and a promise that the Governor made.

And you are very eloquent in how you present yourself and what you're trying to accomplish in your line of questioning, but I will say to the gentleman that this plan, the bill that is before this body, does two things and I think it does two things well. It represents the one-person, one-vote and it further complies with the Voting Rights Act of the United States of America.

DEL. MORRISSEY: Would the gentleman yield for another question?

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: With respect to his last comment about one-man, one-vote, can the gentleman articulate for me and this body and the folks around the State that are listening why we have 21 to 22 percent African-Americans in the Commonwealth, but their representation in this [122] body is 12 percent?

MR. JONES: Mr. Speaker, I would say to the gentleman there was a great article in the paper a couple weeks ago about how things have changed in the last 30 to 40 years and now what you're seeing in your newer developments is more of a 50/50 as far as, you know, black/white population.

Now, you still have pockets in Hampton Roads, for example, where you still have the segregation. But

what you've seen in last 10 to 15 to 20 years, which is a great thing, is the fact that you've got people of color living in the same community with people of other; whether they are Asian, whether they're American, you know, African-American, whether they're Caucasian.

And so I would say to the gentleman that the diversification of our Commonwealth and the growth patterns that have occurred in the last 10 years and 20 years, I would, I would say have caused an influx in various areas of – for example, in Richmond City. The gentlelady from Richmond, her voting age or her population dropped 10 percent [123] because of an increase in population of, I believe of a white influx of citizens into the city of Richmond.

So I would say to the gentleman that a number doesn't always indicate what strength you would have. I think we know that by looking at election results sometimes. You might say you got – your governor got a certain percentage. "How come, you know, I didn't get or do as well?" or "How come I did better than what the party might have done?"

So I think it's left to the gentleman from Henrico to determine whether 12 is enough, if 13 could be drawn. I don't think that it can. That would give you an effective representation based on the testimony that we heard throughout the very public process.

DEL. MORRISSEY: Would the gentleman yield for another question?

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: I appreciate the gentleman's [124] response and using the language growth pattern and strength, but I would respectfully say he didn't answer my question. So I'll ask another question that perhaps is easier.

Given that there's 21 percent African-American population in the Commonwealth, would you agree that it would be desirous if this body was in turn represented by as close to that percentage figure as possible, emphasis on the word desirous and emphasis on yes or no?

MR. JONES: Mr. Speaker, I would say to the gentleman I have answered his question. I would say we have the gentleman from Roanoke City, Mr. Ware; we have the gentleman from Prince William, Mr. (unintelligible word). I have the gentlewoman from Alexandria, Ms. Herring, who actually represents districts that are not majority-minority and do a very good representing them.

And I think that that demonstrates where Virginia is as far as how views its elected officials. They look at the person. And so you [125] can have someone outperform what the numbers would formally indicate.

DEL. MORRISSEY: Would the gentleman yield for another question?

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: Since the gentleman, I would suggest, skirted that question, let me ask another perhaps even easier one.

Since Virginia is becoming more diversified with more Hispanics, more Latinos, more people of – from Pacific Rim countries, would you believe or do you believe it's desirous that those diverse populations, non-Caucasian populations be represented in this body of 100 by people from their own race or ethnic background?

MR. JONES: Mr. Speaker, I would say to the gentleman, yes, and that's the reason 10 years ago we created a district that actually had a combination of I believe African-American and Hispanic or Asian to approximate greater than 50 [126] percent. I think the gentleman from Fairfax, Mr. Keene, does a wonderful job and we're very blessed with what I would consider a body here that represents the fabric of the Commonwealth.

DEL. MORRISSEY: Thank you. Would the gentleman yield for another question, Mr. Speaker?

MR. SPEAKER: Will the gentlemen yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: Moving onto a 14th majority-minority district that the minority leader just touched on briefly, were you aware of the Commission's methodology, the Governor's Commission, wherein they came up with a plan that could have created a 14th majority-minority district that would have united the communities on the Southside, which would have been a compact and contiguous district, and it would have given greater voice to rural, the rural black communities; were you aware of that suggestion a for 14th majority-minority district and did you consider same?

[127] MR. JONES: Mr. Speaker, I said to the gentleman that he said was totally aware of what I had said in this whole process was and of course anyone of the 100 of us could have put in any bill that we wanted and I would guess if someone had already done all the hard work someone could have put their name on it and had it before this body for our consideration and then I would have had maybe a better chance to look at that itself.

What I would say to the gentleman is that when you look at the 12 minority-majority districts that we have today, you look at what happened over the course of time in the last decade, there was a dilution from 60 percent to 50 percent in the 71st and I think the trends definitely show that if you do not, according to the testimony that we received, have a certain effective majority voting strength over the balance of the decade the minority community could lose, in fact lose the ability to elect the candidate of their choice.

DEL. MORRISSEY: Would the gentleman yield [128] for another question?

MR. SPEAKER: Will the gentleman yield? DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: With respect to BVAPs, I note that the gentleman has repeatedly at least seven or eight times used the phrase "according to testimony that we received." Not withstanding that, and given the fact that the gentleman just referred to the gentlewomen from Alexandria, Ms. Herring, Delegate Herring, who was able to win a district that had less than 50 percent BVAP, would you not agree that it is possible to elect an African-American representing 53 BVAP and not the mandated 55 BVAP?

MR. JONES: Mr. Speaker, I would say to the gentleman that I have in my 25 years of being in office – when I first went to City Council we actually had an African-American who was representing now the fast growing area of Bennett's Creek in the Sleepy Hole Borough. And I would say yes.

[129] I also had the chance when I served on the City Council to have a, a majority-minority district under perform and to elect a white person. Of course, four years later they elected a candidate of their choice. One would say that both were the candidates of choice.

So I would say to the gentleman, I would leave it to his devices to come to a conclusion. My job was to do the best I could to make sure we complied fully with the Voting Rights Act.

DEL. MORRISSEY: Would the gentleman yield for another question?

MR. SPEAKER: Will the gentleman yield? DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: Not withstanding whatever conclusions that I come to, I'm more interested in the conclusions that you or the members of the P&E came to.

Would you not agree that if there is a district that was somewhere around 51 BVAP or 52 BVAP that they ought to have a, the opportunity to [130] elect an African-American to this august body?

MR. JONES: Mr. Speaker, I would say to the gentleman that I think any candidate that is, presents himself in a manner where they energize the population that they can get elected in an

overwhelming Republican district – they could be a rural Democrat.

The gentleman from Isle of Wight, Representative Barlow has represented Isle of Wight County for years. He is in a Republican district. He comes back each and every year because they respect him. I served with his brother when he was on the school board in Suffolk.

So I would say to the gentleman that the population, the electorate, they know and they base their decisions on the quality of the candidate in many cases, not withstanding what the trends might show you.

But what's before us is compliance with the Voting Rights Act and what case law dictates and what some would say is an effective minority [131] representation. So the testimony that we have received stated very clearly that given some of the facts that we had heard during that testimony – I think the gentlewoman from – I'm going to mess it up and get in trouble.

Delegate Tyler indicated that she has several facilities in her district that would effectively reduce the percentage of those who are eligible to vote, who are actually registered to vote because of their status and, therefore, she would have a lower effective percentage to elect the candidate of their choice.

DEL. MORRISSEY: Would the gentleman yield for another question, Mr. Speaker?

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: I'd ask the gentleman this. Given that the gentleman has not quarrelled or

quibbled with the methodology used by the Governor's Commission once during this debate and given that the Governor's Commission came up with [132] a black voting age population in rural Virginia of 50.25 percent and given that the gentleman believes that rural black Virginians ought to be represented and their voice ought to be heard and given that it wouldn't impact any other minority-majority district, is it not a good thing that this body create a 14th majority-minority district that would represent the interests of 50.25 percent of African-Americans in rural, in rural Virginia?

MR. JONES: Mr. Speaker, I'd say to the gentleman just because I didn't quibble I do not – I have not passed judgment nor agreed with the Commission. It's not my job. My job is to have a bill before this body that complies with the Voting Rights Act, which complies, in my opinion, with the one-person, one-vote.

So you're not going to try to get me to answer a question that you want in a certain way. I stated my opinion very clearly. I think that – I'm not done.

DEL. MORRISSEY: Sorry.

[133] MR. JONES: I think that the ability of the community to elect the candidate of choice is the issue at hand. Oh, yeah, there's certainly occasions where you have a non-performing majority-minority district. There are certain occasions where you have a Republican that gets elected in a democratic-leaning district. There are certainly occasions where you have someone who might run in a three or four way primary that might win and would not necessarily be the candidate of their choice, but is the candidate that they have on the ballot.

So I would say to the gentleman, he can ask me all the questions he wants about the Governor's Commission; I have no opinion. Okay? And my opinion is the plans that were submitted do not - the testimony that was received meet the criteria of what is felt to be necessary to elect the candidate of their choice.

DEL. MORRISSEY: Would the gentleman yield for another question?

MR. SPEAKER: Will the gentleman yield?

[134] DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: I won't ask the gentleman anymore questions about the Governor's Commission and what he thinks of it. I'll ask the question I asked him a moment ago taking that out of it and I'll repeat it.

Given the fact that there is a community or a district that could be created in South,

Southside, Virginia that is composed of 50.25 percent African-Americans and that given that their voice ought to be heard in this chamber, would you not agree that we ought to create a majority-minority district for those 50.25 percent of rural African-Americans who need to be heard?

MR. JONES: Mr. Speaker, I would say to the gentleman he's drawing certain conclusions of community of interest which I can't speak to. I would say to the gentleman I have answered his question and I will continue to answer it the same way that I have.

DEL. MORRISSEY: Would the gentleman yield [135] for another question?

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: With respect to community of interest and splitting cities and counties, would the gentleman agree that his county/city splits in the House plan 5001 totaled approximately 197?

MR. JONES: Are you talking about my plan? Are you talking about House Bill 5001?

DEL. MORRISSEY: Would the gentleman yield for a question?

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield, yes, sir.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: I am talking about HB 5001.

MR. JONES: Okay.

DEL. MORRISSEY: And I'm talking about the splits that often and necessarily can't be avoided with counties and towns and that are actually part of the process. It has to the occur to some degree.

[136] Would the gentleman agree that in his plan there were approximately 197 splits in various counties and cities, some of which could not be avoid?

MR. JONES: Mr. Speaker, I would say to the gentleman I would agree that if he says that's what his actual number is I would take that at face value. I don't have the report in front of me. I would indicate to the gentleman some are zero since this block, to zero population. Others were done for obvious reasons to meet the plus or minus 1 percent.

We had splits 10 years ago. Every plan that's before us has a split in it, if I'm not mistaken, and I would say that the splits in this plan are the ones that were drawn to comply with the criteria that was adopted by the P&E Committee.

DEL. MORRISSEY: Would the gentleman yield for another question, Mr. Speaker?

MR. SPEAKER: Will the gentleman yield? DEL. JONES: I yield, yes, sir.

[137] MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: Is the gentleman aware that one of the student's plans that complied with compactness, contiguity, community of interest equal population and the Voting Rights Act had a county/city split that was half of what HB 5001 was?

MR. JONES: Mr. Speaker, I can't speak to what that plan was. I would just let the gentleman know that once again there was a reason that I had – that we in the P&E Committee had communities of interest, Number 5. Because Number 1 was one-person, one-vote. Number 2 was compliance with the Voting Rights Act. Contiguity, compactness are required by I think our Constitution and code and single member districts we did – we went there and did that back 30 years ago. So it was Number 5 for a reason.

DEL. MORRISSEY: Would the gentleman yield for another question, Mr. Speaker?

MR. SPEAKER: Will the gentleman yield?

[138] DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: Does the gentleman recall those diagrams that I showed the body yesterday?

MR. JONES: I think his picture was in the paper today, but I probably can note – if you tell me what district you're talking about I can certainly probably tell you what it looks like.

DEL. MORRISSEY: Would the gentleman yield for another question?

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: The districts were Delegate Massie's, which I think was the 72nd, and Delegate Cleveland's, the number which I'm not familiar with right now.

But the point of my inquiry was when I asked him whether or not he observed them would he agree that they were anything but compact.

MR. JONES: I would say to the gentleman that again compactness was Number 5, I believe. I [139] mean, it was Number 3 on the list. The districts that have been drawn, in my opinion, comply with our Constitution, with the Voting Rights Act, and I'm satisfied with the map, the bill that's before this body.

DEL. MORRISSEY: Would the gentleman yield for another question, Mr. Speaker?

MR. SPEAKER: Will the gentleman from Suffolk yield on question?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. MORRISSEY: Given that the gentleman did see, recalled the diagrams and that he agrees that compactness is the one of the requirements, is the

gentleman aware that one of the student's plans increased compactness from 49.78 percent all the way up to 57.77 percent, far better than HB 5001?

DEL. JONES: Mr. Speaker, I would say to the gentleman some of the maps that I saw had taken I believe – let me see if I can find it here. I think the gentleman from Chesapeake, who will be speaking later, can speak to this.

[140] I think we combined members together. We actually took communities of interest, which they felt, just like in the one Matthew mentioned earlier about the Governor's competition. I'm not sure how he split Chuckatuck and Driver and Eclipse and Hobson. You can say that's a community of interest.

I would say to the gentleman what I did note that if you look at the priority; any of the foregoing criteria shall be considered, but population equality among districts in compliance with the federal and state constitutional

requirements and the Voting Rights Act of 1965 shall be given priority in the event of conflict among the criteria. I think that answers his question.

But I'd like to give him one quote that I think is very interesting and topical. Not mine. We've talked a lot about the students. Great quote. Hannah Nommi, 21, student, UVA said, "The exercise taught her that it's not always possible to draw maps with neat-looking compact districts [141] while still abiding by the terms of the Voting Rights Act and trying to respect county and city lines." Quote, unquote, "It's easy to justify to the public when you have these very compact districts," she said, one of the nine students on a team with a winning map, "but Virginia is not square. It's just not." And I think that pretty much says it all.

DEL. MORRISSEY: Mr. Speaker, I thank the gentleman for his answers.

MR. SPEAKER: The gentleman from Chesapeake, Mr. Spruill.

DEL. SPRUILL: Mr. Speaker (inaudible words).

MR. SPEAKER: The gentleman has the floor.

DEL. SPRUILL: Mr. Speaker and Members of the House, let me have your ears and please listen if you can.

I'm surprised all of a sudden this has come out to be a racist thing about blacks who are in the House. This is not about no race. We have 100 members in this House and we're talking about black minority districts. If we had wanted to do [142] that, we have three fine lawyers in the Black Caucus that can do that.

My lawyer next to me who represents me says, "Be careful of what you say." Some are saying, "Why are members making this a thing about blacks being represented?" They're not saying, "Well, that's fair enough. Let's see who came to us and say, 'This is what I propose.'"

From the Governor's plan did they come to us? No. Delegate Chris Jones, we went to him and we had some concerns, mostly every member of the Black Caucus. He answered our concerns; some we were satisfied with and some we were not, but at least we had input into Plan 5001. Where's the other plan that's coming to the Black Caucus and saying, "Hey, we're going to try to help you all"? Who else?

I'm the (inaudible words) Black Caucus. Who has come to me and said to the Black Caucus, "Hey, we've got a plan to look out for black folks." This is not a

thing about race. And I know somebody's standing there taking every word you [143] say because this is going to go to the court. Well, let's make it right.

To the members of this body, this is not about black folks, so don't let them, nobody put you on they're trying to save the black folks. That's not so. So okay. What is this is all about? Let's look at Plan 5002 that was submitted yesterday, that was talked to us yesterday. That plan had Delegate Kenneth Alexander, along with Delegate Ed Howell of the same district. That plan had Delegate Matthew James and Spruill, same district. That plan had my house in the 79th district.

No one has come to me or anybody and talked to us about this. So it's not about race. It's about representation of the folks. Delegate Chris Jones is the only one that came to us and says, "This is what" – what he was saying. We went to him and said, "We have a problem. Can you resolve those problems?"

Now you've got the Governor's plan. The Governor has not sent – well I wouldn't expect [144] the Governor to do it himself, but he asked no one to come to talk to us about it.

Let's talk about the 13th district. It was not taken up by the Black Caucus because we have not discussed it to talk about it, but by my friend here who spoke about it yesterday and this morning. The Governor's plan is talking about a 13th and 14th district. We do not need to create another black district.

Oh, I would love to see it happen. We already had one. Do you remember Flora Mass (ph)? Flora Mass was black. Guess who took Flora Mass's (unintelligible word)? Okay? And he is not of our persuasion.

Okay? Now you're talking about so that's the 13th seat. Now, I ask you to check and look what is a minority percentage of Delegate Joe Morrissey's district? Check it out. What is Morrissey's percent of the black district? But the people there in Richmond were so kind, they made him their choice. And that's a black district, but they made him their choice and I'm [145] glad for him. That's the 13th district he was talking about. That's a black district.

Oh, let's talk about the 14th district. Betsy Carr. That's a black district. They're your 13 and 14. But the people in Richmond made her their choice and I'm glad for her because she is doing a good job. That's a black district. So if those who are saying that "We've got to look out for the blacks, we got to create a 13 and 14 black district," we already have them. But the people in those black districts made their choice to support (inaudible words) and that's – there's nothing wrong with that. That's their choice.

So you need to create – (inaudible words) we do create another 13th district and you select another white. Then what? Then what you gonna do about that? Because the peoples have made their choice. So it's not about race. Please, don't hang this on the black folks. So when you go to court, don't say they tried to dilute the black folks.

Well, what are my concerns? My concerns is [146] this. And let me put my eyes on. 1887 to 1888 African-Americans, members of the General Assembly, eight members. Come here and look at it. And they're downstairs somewhere in the little corner where you can't see them. Eight members of the Black Caucus were elected one year from 1887 to 1888. Since 1888 and here it is in 2011 we've only increased five. Okay?

Ain't nothing to do with race. "Well, what's it got to do with Spruill?" Then we're saying, "Well, look at the public of Virginia." 20 percent, whatever it is. So tell me how can we create districts. We talk about a snake going around to make sure you've got black's representation. We have blacks who lost, that don't vote. If they don't vote – if you create a black district and they don't vote, then whose fault is that? Okay?

So we have what we're looking for. The (inaudible word) was saying "The NAACP, the representation, were they represented where they knew about it? Yes. Lue Ward, Lue Ward, NAACP in [147] Suffolk, NAACP in Chesapeake and Virginia Beach. I'm saying those because I know they're in a ruckus. I want to make sure I got it right. They are aware of it. I'm a member of the Men's (inaudible words) For Progress. Yes, we are aware of it.

So we are here today. I thought that if members of – let me use this body on this side of the aisle. I felt concern that we were looked at and saying, "Let's create – this is for everybody what's fair." But instead we're coming here and saying that we're talking about diluting the black folks and they be (inaudible words) representation. Don't do it.

My concern is to make sure that those blacks – I don't like to use the word minority towards us. Those blacks – my concern; have input with Delegate Chris Jones. My concern was to make sure that we have the numbers, to make sure that we keep what we got and can get more when we want to. Not because you're black. Because my concern is that we do not dilute.

[148] So I ask you all this; if the 5001 is the plan - and I ask you all this and those who are keeping records for us to turn to the court; ask them, "What

other plan, what other group has come to the Black Caucus and say, 'Hey, we have a plan to increase the black minority votes. We have a plan to make sure that you're safe'"?

There is no other plan. Where is it? Where is that plan? Ask yourself that. Who has presented another plan to us other than 5001? You go on what you know about it and that's important. As I've told it to the Speaker, we really don't have 12 anointed seats, as they say. You really don't. Delegate Herring, our friend to African-Americans, it's not the African-American seat, but the citizens of her area who the majority are white, they see fit to elect her. So don't count it as an African-American seat.

Delegate (inaudible words). It's not an African-American seat, but the citizens, both black and white, decide that he was the best choice. My friend Delegate Ware from Roanoke; [149] it's not an African-American seat, but the citizens, both black and white, decide that he was the choice. So it's not about that.

So I ask you all this; is there – if you're going to look at and look out for the black community, we ask you all look at who has come to us, look at who has worked with us to try to make sure that we maintain what we've got. Who has been that person? That person has been Delegate Chris Jones. I ask you all to support 5001. Thank you very kindly.

(Applause.)

MR. SPEAKER: The gentleman from Arlington, Mr. Hope.

DEL. HOPE: Thank you, Mr. Speaker. Would the gentleman from Suffolk resume the floor for a question?

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: The gentleman from Suffolk will (inaudible word.)

MR. SPEAKER: Yeah.

DEL. JONES: I'm here to answer questions.

[150] MR. SPEAKER: Kind of like Norfolk. The gentleman yields.

DEL. HOPE: Thank you, Mr. Speaker. Let me preface my remarks by saying the concept of one-person, one-vote came out of what was happening in the south where votes of rural citizens were worth more than votes or urban citizens, which tend to be people that were minority.

With that in mind and looking at the proposed map, it races some questions to me in my mind. And just looking at Hispanics and Latino voters, let me also say, you know, all these districts that I'm going to mention are controlled by the majority party. The 51st district will decrease by over 30 percent for Latinos and Hispanics. The 31st district will decrease by nearly 30 percent. And the 50th district would decrease by over 20 percent.

My question for the gentleman is why is, why is there this kind of decrease when the 2010 Census shows that the population of Hispanics and [151] Latinos, particularly in Fairfax and Loudoun and Prince William, are – continues to rise significantly? Shouldn't this be the opposite trend that we're seeing?

DEL. JONES: I was going to say to the gentleman, 10 years ago when we created the additional we call it combination majority-minority district over the course of the 10 years what occurred was we had a I guess redevelopment.

I talked with a gentleman from Arlington, Mr. Brink, about how we could make, increase that population back to what it was performing 10 years ago. And you know, certainly an attempt was made to try to preserve that seat. I believe it's seat number 47. I could mess – I could be wrong in my number. And that was an attempt that was made to try to keep a combination majority-minority seat.

DEL. HOPE: A further question, Mr. Speaker.

MR. SPEAKER: Will the gentlemen yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentlemen yields.

[152] DEL. HOPE: Switching over to black voters, I note that when the new proposal, House Bill 5001, in the 93rd district, which is currently occupied by the gentlelady from Newport, which is – she's been drawn out, the district decreases black voters by over 30 percent. The 23rd district decreases by nearly 50 percent the number of black voters. And the 27th district decreases by over 30 percent.

Why do you think we're seeing this level decrease among blacks in these districts?

DEL. JONES: Mr. Speaker, that's a pretty simple answer. If you – give me the numbers again. I think you said 93; is that correct?

DEL. HOPE: 93, 23

DEL. JONES: 93 had an 8.5 percent population loss. Deviation, I should say. 92, which is next to it, had 11.24 percent loss. 93 had an 8.5 percent loss. 94 had a 10.68 percent loss. And believe it or not, the gentleman, our newest 100 member who give us 100 votes yesterday, had a 20 percent loss.

[153] If you're familiar with the geography down in our neck of the woods, in Norcross and Suffolk to the Peninsula, all those districts are down in the very bottom. So what had to happen, the population had to be picked up, had to try to maintain the voting strength for the black voting percentage. So naturally you would take some of those, those precincts and you had to move and change it to picked up population.

So if you noticed the 93rd district looks similar to what it does now, except we had to move up the Peninsula several miles. So that was not totally reconfigured. Had to move up the peninsula because you got four on each side. We decided to undo from 10 years ago the 64th, which went across at the ferry into James City County and Williamsburg. And so at the end of the day by bringing that population back across the river there's enough population to keep those same number of seats within the new Kent County line back down to downtown Newport News so that community of interest could be kept together and [154] there would be six seats within that area.

So that should answer, hopefully answer his question.

DEL. HOPE: Will the gentleman yield for another question?

MR. SPEAKER: Will the gentlemen yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. HOPE: Thank, you Mr. Speaker. I'd ask the gentleman, and let me just be more specific and direct; you know, when I, when I look at these numbers and I see districts that are becoming more white, I see a trend here and I look at 51st, 26 percent more white;

23rd, 19 percent more white; the 27th, 18 percent more; the 42nd, 15 percent more and it goes on. The 86th district, 16 percent more.

My question to the gentleman is the top nine districts that got wider are districts that have been getting more diverse and more competitive since the last time we drew the maps. Why did you choose to make these most competitive seats [155] significantly less diverse and more white? And was this, was this the intent or was this just an effect of this process?

DEL. JONES: Mr. Speaker, I'd say to the gentleman, I'll use that golf analogy as (inaudible words) lefty. I'm a lefty. Can repeat this year's Masters champion. Last year when he was on the 13th hole and he had that hole to make, he decided to play it where it lied. People said, "He's lost his mind." So he hit the shot, hits the green, makes the putt and wins the Masters.

When you get the Census numbers back you have to play it where it lies and if you look at those districts that are surrounding the 27th, which I think was one of your examples, that would be the 69th, which was down 11 percent. That would be the 70th, which was down just a percent. That would also be the 71st, which was down 8 percent.

You have to pick up that population to maintain those numbers to be able to make sure that you don't fall out of compliance with the Voting Rights Act. That should hopefully simply [156] answer his question.

DEL. HOPE: Would the gentleman yield for a question?

MR. SPEAKER: Will the gentleman yield for a question?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. HOPE: So my question is was this intentional or was this just the effect?

DEL. JONES: I would say to the gentleman I think I answered his question. I played it where it lied.

DEL. HOPE: Speak to the bill when appropriate.

MR. SPEAKER: At the appropriate time. The gentlewoman from Petersburg, Ms. Dance.

DEL. DANCE: Thank you, Mr. Speaker. And I guess I wanted to speak to the bill, so maybe it's not the right time.

MR. SPEAKER: You want to speak to the bill?

DEL. DANCE: Yes.

MR. SPEAKER: You've got, you've got the [157] floor.

DEL. DANCE: Thank you. As a member of the House Redistricting Committee I support House Bill 5001 in its substitute form as we have before us and it's again for more than just the one reason that it mirrors the – or doesn't mirror, but it does support the 12 minority districts that we have now and it does provide that 55 percent voting strength that I was concerned about as I looked at the model and looked at the trending as far as what has happened over the last 10 years.

And one of the best examples I can give for that and most concern was the area that was mentioned prior and that is Delegate Tyler's area in the 75th. Because Delegate Tyler is an African-American that now finally sits in a minority seat that's been there for

years, but there have been three tries by minorities in the past to win that seat and they were not able to do so.

And if that district is below that 55 percent voting strength, then I don't think she would be [158] able to hold the seat that she now holds today and I was really, really concerned about that. That issue was addressed and it is now in that House Bill 5001 and I'm glad it's there.

That is the – and for the rest of the house – or the minority districts, it shows 55 percent voting. And it's voting. Not just people being there, but the effective opportunity for them to hold minority seats. And not just for us incumbents that are in the seats, but for those that would come after us.

And as was mentioned by Delegate Hope and he was asking about the 27th, the 69, the 70, 71, they represent minority seats. Not the 27, but the 69, the 70, the 71; they represent minority seats (inaudible words) even though minorities might not be in there. And if we are to preserve the rights for minorities to have a voice, as to whether or not they want to have a minority serve them or someone of the majority persuasion, that they have that choice. And they could lose that choice if they did not have the voting strength [159] that we now have in this.

And I also support this bill because I am on the House side on the democratic house side and I know that my colleagues, because I represented them and I tried to be a voice for all of them in working with the chair as he developed his bill, that they gave me their suggestions. I passed them on and they were looked at and the chair did work with them directly. And I see a

lot of us had a lot of voice in House Bill 5001. It's not just African-Americans. African-American,

Euro-American, it represents members of my side of the House as well have a voice in the bill that we have and I think it's the best compromising bill that we could bring forward that truly represents Virginians. And that's the Commonwealth. Not just us, but the people that will come after us. Thank you.

MR. SPEAKER: The gentleman from Henry, Mr. Armstrong.

DEL. ARMSTRONG: Speaking to the bill.

MR. SPEAKER: The gentleman has the floor.

[160] DEL. ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House, I think that I oppose HB 5001 and there are public policy reasons why I would do so, but I'm not going to talk about those on engrossment.

What I would like to restrict my comments to is what I perceive as a legal analysis of where we are. Now, regardless of the comments that have been made here on the floor, Virginia is subject to the Voting Rights Act, Sections 2 and Section 5. Regardless of whether we've talked to one another, not talked to anyone, have extended courtesies, not extended courtesies; it doesn't matter. We either comply with the Voting Rights Act. The bill is flawed. It will not be approved at the Justice Department or, let's not forget, that the Attorney General has the option of filing in federal court in the District of Columbia.

What concerns me, Mr. Speaker, in listening to the debate here today is there appears to have been a failure to analyze the 12 minority-majority districts in terms of its voting pattern.

[161] Certainly the gentleman from Suffolk, who clearly I think from the discussion here today, oversaw the bill and the process has heard a number – or has had a number of public hearings where he listened to constituents, but that is antidotal information.

Without a, a, a, an analysis of retrogression of the voting patterns one can't tell, for example, whether or not a 53 percent minority district might actually be able to elect its candidate of choice. Somewhere else perhaps only 57 or 58 percent. And the gentleman has enunciated an arbitrary figure of 55 percent and nowhere that I can find in the case law or in the decisions that have come out of the Department of Justice have indicated that that is a magic number. It is arbitrary.

And that there appears to have been a failure to do this retro, retrogression analysis. We don't know whether or not these districts have been, I'll just the terms cracked or packed, which is the slang term for diluting minority districts [162] or putting too much minority population in there.

And I think that the reason that we have gotten to this point is there's been insufficient time for this analysis to be conducted. That this process has been rushed. We all know that Virginia by having – virtue of the fact that our elections are in the off year and that occurs in 2011 immediately upon the presentation of the Census data.

Still, though, we're, we're essentially looking at one week from the time that these, this plan was developed until it's voted on. And with insufficient time for various civil rights organizations or other interest groups to conduct an analysis, what we don't know here today is whether or not a 13th or perhaps 14th

minority district could be created and done so without dilution of the 12 existing minority-majority districts.

Certainly no one – I nor anyone else is suggesting that we dilute the 12 existing ones, but if a 13th and certainly a 14th can be [163] created – I received late yesterday information that a 14th district might be able to be created in Southside, Virginia with, with a 50.25 minority population. That without a retrogression analysis one would not know, that may very well – that that district be able to elect its candidate of choice.

And so regardless of how we got to this point, if this bill doesn't comply with Sections 2 and 5 of the Voting Rights Act, this bill is going to be invalidated by DOJ or the first federal court that deals with it. And I think we – and I don't demean the gentleman. I don't dispute him at that he stayed till 2:00 in the morning working on this, but if you haven't done the necessary analysis to determine what the minority impact is on the minority community, we have failed and this plan has serious potential of being rejected.

The other thing that lastly I would say, that the gentleman from Arlington and his questions, in my review of particularly districts in northern Virginia there appears that Republican districts [164] have gotten racially whiter and democratic districts have gotten – persons of color have been placed into those and it would seem to suggest that if that was done in a failure to look at these minority-majority districts, that a lawyer could very easily make an argument of a pattern of discrimination. That there is a pattern of racial discrimination along those lines.

In any event, Mr. Speaker, for those reasons HB 5001, in my humble opinion, has serious voting rights

flaws and I would ask that it not be engrossed and past to its third reading.

THE SPEAKER: The gentleman from Arlington, Mr. Hope.

DEL. HOPE: Thank you, Mr. Speaker. I'll speak to the bill.

MR. SPEAKER: The gentleman has the floor.

DEL. HOPE: I just wanted to second the comments from the minority leader, the gentleman from Henry. You know, my, my point is that I'm looking at some of these seats that are very [165] competitive and have become competitive over the last 10 years, particularly in the areas of Northern Virginia.

And what's happening with the trends in north Virginia with the number of minorities, Latinos, for example, doubling every 10 years nearly and some of these districts, some of these counties even being considered majority-minority counties. And to see in this area, to see this type of racial dilution is of great concern to me.

Political equality, Mr. Speaker, demands more than just a mere mathematical compliance with the one-person, one-vote standard. Election districting schemes must ensure each voter an equally effective voice in the political process. Racial dilution can deny racial minorities and equal opportunity to participate in the district's political process. This proposal has the effect of canceling out or even minimizing the voting strength and I believe it violates the equal protection clause.

The question is for the body is does this [166] proposal, House Bill 5001, offer minorities the same or even a greater opportunity to elect candidates of choice

as the current plan. I don't believe that it does, Mr. Speaker. I think it racially dilutes some competitive districts, and case is in part is in Northern Virginia, and I urge my colleagues to reject engrossment. Thank you, Mr. Speaker.

MR. SPEAKER: The gentleman from Henrico, Mr. Morrissey.

DEL. MORRISSEY: Thank you, Mr. Speaker.

DEL. MORRISSEY: Mr. Speaker, I rise to speak in opposition to House Bill 5001.

MR. SPEAKER: The gentleman has the floor.

DEL. MORRISSEY: Thank you, Mr. Speaker. I'd also urge the body to vote against 500-, HB 5001. While during my remarks and others we spoke about compactness and we spoke about communities of interest. My focus, likewise, would be on complying with the Voting Rights Act. I think the empirical evidence is somewhat overwhelming, Mr. Speaker, that we could produce effectively a [167] 13th and a 14th majority-minority district.

The 14th majority-minority district would be 50.25 black voting age population. As the minority leader said, the figure of 55 percent is something that was pulled out of the sky. We have people in this body that are elected with 53 and as the delegate from Suffolk said, even under 50 percent.

As my good friend and brother from Chesapeake, Delegate Spruill said, perhaps mistakenly, the goal isn't to elect people of color. The goal is pursuant to the Voting Rights Act to have enough majority-minority districts so that there is the opportunity to elect people of color. There is the opportunity under the Governor's

plan, Mr. Speaker, that was decidedly nonpartisan. It was –

MR. SPEAKER: The House will come to order.

DEL. MORRISSEY: It constituted constitutional scholars who paid attention to the U.S. Constitution and the State Constitution. There were academics who went around the State [168] participating in this process, getting input, and we have ignored the only nonpartisan plan, either the house or the Senate, that fully complies with the mandates of the Voting Rights Act.

I would ask that this body reject for the reasons and the arguments and the questions posited to the gentleman from Suffolk earlier. Thank you, Mr. Speaker.

MR. SPEAKER: Any questions on the adoption, the engrossment passage of the third reading?

DEL. JONES: Mr. Speaker.

MR. SPEAKER: The gentleman from Suffolk, Mr. Jones.

DEL. JONES: Ha, ha, ha. I like that. Speaking to the bill.

MR. SPEAKER: The gentleman has the floor. DEL. JONES: Mr. Speaker, Ladies and Gentlemen of the House, I would ask that we would support this substitute that's before this body.

I heard a few comments in the last three speakers about an arbitrary figure. Nope, I'm not a statistician. I'm not a constitutional expert. [169] I'm not a scholar. Anyone that knows me when I grew up in high school knows I'm not a scholar.

I have been a representative of the people since I was 27 and have taken that duty to heart. The first vote I ever took was to elect to vote for a black man to be the mayor of the City of Suffolk because I thought he was the most qualified person at 28. I did that because I felt he had the qualifications to lead the city in a growing time.

The number that we have before us that has been called arbitrary was gleaned from testimony of the community and I've always done my best to listen to the community, even when it's not always maybe in my best political interests to do so.

Because you know what, every two years they get an opportunity to decide if they want me to come back; just like every one of us, all of us in this room. Never was the intent to make a district whiter. The attempt that was made to make sure that we did not dilute the ability of a minority community to elect the candidate of their [170] choice.

And we talk about diluting the existing. If you look at the plan that is before us, as the gentleman from Chesapeake just made comments, the concern is the dilution and ability of the community to elect the candidate of their choice. Much has gone into this. This is bipartisan plan and I think we will see that in a few minutes with the vote on engrossment.

I know it's not a perfect plan. There's not a perfect plan. There have been amendments made to this plan, as I promised there would be. We have listen. We flew around the state, landed on Tennessee on Saturday, heard the concerns of the people in Abingdon. We tried to address that. We went to Augusta, heard their concerns. We tried to address that.

At every turn I have to – I have upheld the oath that I took many years ago to uphold the Constitution and to do the work of the people, because I truly believe this is the people's body. I would ask that we would engross and pass House [171] Bill 5001 onto its third reading. And Mr. Speaker, I would like call for ayes and nays.

MR. SPEAKER: Ayes and nays. Shall the bill be engrossed and pass to its third reading. The Clerk will close the role.

THE CLERK: Ayes, 87. Nos, 10.

MR. SPEAKER: Ayes, 87. Nos, 10. The bill is engrossed and passed to its third reading.

THE CLERK: Mr. Speaker, that completes the calendar.

MR. SPEAKER: Does the Clerk have any announcements?

THE CLERK: Yes, sir, Mr. Speaker. The meetings for Tuesday afternoon, Courts of Justice & Judicial Interviews will meet at 3:00 p.m. 3:15 in the House Room C; Court's Adjustors, Judicial Interviews meeting now at 3:15 in House Room C.

Mr. Speaker, meetings for Wednesday morning April 6th, 2011, the Republican Caucus will meet at 10:00 a.m. in House Room 1. The Democratic Caucus will meet at 10:30 in the morning in House Room 2. And a reminder, Mr. Speaker, for members; [172] that the reconvened session for the 2011 regular session convenes at 12:00 noon tomorrow.

MR. SPEAKER: The gentleman from Colonial Heights, Mr. Cox.

DELEGATE: Mr. Speaker.

MR. SPEAKER: The gentleman from Henrico, Mr. O'Bannon.

DEL. O'BANNON: Brief announcement.

MR. SPEAKER: The gentleman has the floor.

DEL. O'BANNON: Thank you, sir. Tonight at 5:00 you are all invited to a very special art exhibit over at our Virginia Holocaust Museum. This is going to open to the public tomorrow. It's entitled A Blessing to One Another. It's Pope John Paul, III and the Jewish People. It starts at 5:00. I hope everybody will have time to go by there. Thank you, sir.

MR. SPEAKER: Thank you. The gentleman from Colonial Heights, Mr. Cox.

DEL. COX: Mr. Speaker, I move that when the house adjourn today it adjourn to reconvene [173] tomorrow. Immediately upon adjournment CNADA (sic) of the reconvened session.

MR. SPEAKER: The gentleman from Colonial Heights, Mr. Cox, moves when the House adjourn today it adjourn to reconvene tomorrow. Immediately upon adjournment CNADA of the reconvened session. As many that favor that motion will please say "Aye."

DELEGATES: Aye.

MR. SPEAKER: Those opposed "No." The motion is agreed to the gentleman from Colonial Heights, Mr. Cox.

DEL. COX: Mr. Speaker, I move the House do now adjourn.

MR. SPEAKER: The gentleman from Colonial Heights moves that the House do now adjourn. As many as favor that motion will say "Aye."

DELEGATES: Aye.

MR. SPEAKER: Those opposed "No." That motion is agreed to. The House stands adjourned until tomorrow. Immediately upon adjournment CNADA of the reconvened session.

[174] CERTIFICATE

I, Daphne S. Hurley, Court Reporter, certify that I transcribed from digital recording of the proceedings held on the 5th day of April 2011.

I further certify that to the best of my knowledge and belief, the foregoing transcript constitutes a true and correct transcript of the said proceedings. Given under my hand this 3rd day of May 2015.

/s/ Daphne S. Hurley

Daphne S. Hurley

My commission expires: August 20, 2018 Notary Public in and for the State of Maryland

[1] 2011 SPECIAL SESSION I

VIRGINIA HOUSE OF DELEGATES

REDISTRICTING FLOOR DEBATES

Wednesday, April 27, 2011

Job No.: 81922
Pages: 1 - 60
Transcribed by: Jackie Scheer

[2] APPEARANCES

Before The Honorable

JOHN A. COSGROVE

Deputy Clerk of the House of Delegates

JEFF FINCH

DELEGATES PRESENT:

Harvey B. Morgan – Gloucester (R-98)
L. Scott Lingamfelter – Prince William (R-31)
Robert G. Marshall – Prince William (R-13)
Roxann L. Robinson – Chesterfield (R-27)
Adam P. Ebbin – Alexandria (D-49)
Charniele L. Herring – Alexandria (D-46)
Anne B. Crockett–Stark – Wythe (R-6)
Ron A. Villanueva – Virginia Beach (R-21)
Robert Tata – Virginia Beach (R-85)
Charles D. Poindexter – Franklin (R-9)
Robin Abbott – Newport News (D-93)
Joe Morrissey – Henrico (D-74)
Jeion A. Ward – Hampton (D-92)
Jennifer L. McClellan – Richmond City (D-71)

[3] APPEARANCES CONTINUED

DELEGATES PRESENT:

Onzlee Ware - Roanoke City (D-11)

S. Chris Jones - Suffolk (R-76)

Mark D. Sickles - Fairfax (D-43)

M. Kirkland Cox - Colonial Heights (R-66)

Ben L. Cline - Rockbridge (R-24)

Roslyn C. Tyler - Sussex (D-75)

[4] PROCEEDINGS

THE SPEAKER: The House will come to order. Members, please take your seats. The House will be at ease for a moment.

MALE VOICE: It's been a long time. Never.

MALE VOICE: I don't remember ever –

THE SPEAKER: The House will come to order. Sergeant arms.

SERGEANT ARMS: The House of Delegates is now in session. All persons not entitled to privileges of the floor, please retire to the gallery.

THE SPEAKER: The members will rise and will be led in prayer by the Honorable John Cosgrove, the gentleman from Chesapeake, and remain standing for the pledge of allegiance to the flag of the United States of America, which will be led by the gentleman from Colonial Heights, Mr. Cox.

MR. COSGROVE: Friends, please gather with us as we pray.

[5] Father, we are gathered in this chamber to perform the work of the people of the Commonwealth,

but, Lord, we're hobbled by grief and sorrow at the absence of our friend, Bruce Jamerson. We ask ourselves why and what could we have done differently to maybe have made a difference, but we must trust in you, O Lord. We must acknowledge that you are in control and you understand all things. We take special care to ask your – ask you for your blessings of comfort and understanding on Elizabeth and Ainsley as they deal with the loss of their husband and father. We also ask that you bless each of us here today as we deal with the grief and sense of loss that we all feel. We also ask that you comfort the House staff and help them through this very difficult time. Dear Father, to paraphrase the Prayer of Jabez, please bless us indeed. Please expand our ministry and our influence. Place your hand on us and show us your favor, and, Lord, please protect us from the pain of our sins. [6] Now as we move to do our appointed tasks as members of the House of Delegates of Virginia, please guide us and have our work conformed to your perfect will. Lord, we ask these things in the precious and holy name of my savior, Jesus, amen.

MULTIPLE VOICES: Amen.

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

THE SPEAKER: The members will answer the roll call by indicating their presence on the electronic voting board.

(Beep.)

THE SPEAKER: Clerk will close the roll.

(Speaking out of hearing.)

THE SPEAKER: Pursuant to House Rule Three of examine to approve the Journal of the House of Delegates for April 25th, 2011. Motions and resolutions under rule 39 are now in order. Does the clerk have any announcements or [7] communications?

MR. FINCH: Yes, sir, Mr. Speaker.

Members will please take note on the presence on their desk a golden rod sheet that addresses the memorial service for Bruce on Friday. We need to ascertain a head count. There will be a reserved seating section for members, so we need to know if you are coming, if you're bringing a guest, or if you're not coming. And so if you'd please complete that and turn it in either to the front desk or to Jay Pearson in the back of chamber, we'd appreciate it. Thank you.

THE SPEAKER: Gentleman from Prince William, Mr. Anderson.

MR. ANDERSON: We'd ask for a request, Mr. Speaker.

THE SPEAKER: May state it.

MR. ANDERSON: Request that the journal reflect that my seat mate, the gentleman from Loudoun, is away on pressing personal business.

THE SPEAKER: Gentleman from Gloucester, [8] Mr. Morgan.

MR. MORGAN: Mr. Speaker, I would ask for a point of personal privilege and a request.

THE SPEAKER: Gentleman has the floor.

MR. MORGAN: Mr. Speaker, ladies and gentlemen of the House, most of you read about the tornadoes, plural, that hit Gloucester County and Middlesex County. There was one in Gloucester that cut a swath

about 300 yards wide from the York River all the way over to the Piankatank River, the whole width of the county, about a distance of about eight miles, and destroyed almost 200 homes and cost three lives. The other one, the same – the same tornado, really, continued in Middlesex County and cut across from the Piankatank River to the Rappahannock River and there about 60 – I think 80 – 80 homes and two – two tornadoes, one north in the – in the county. The devastation was just unbelievable, and I realize that we're not the only ones who've had this sort of thing lately. Other parts of the [9] Commonwealth have experienced this, but I wanna make mention of the host of volunteers that have come in and from high school students to church organizations from all over the eastern part of the Commonwealth. Hundreds of volunteers have don (inaudible) work and we are so grateful for that.

And I just wanna mention to the members how important it is when people come together and help each other, and – and I would ask that today when we adjourn, we adjourn in honor of – of volunteers who assist, especially in this particular situation, as well as the memory of those – of those two – two – three – three persons who lost their lives in this.

THE SPEAKER: The gentleman from Gloucester, Mr. Morgan, moves that when the House adjourn today it adjourn in the memory and honor of the victims of the tornado in the middle peninsula, as well as the volunteers and all of the emergency medical service people [10] that went well beyond the call of duty. If there's any in favor of that motion will say I.

MULTIPLE VOICES: I.

THE SPEAKER: Those opposed, no. That motion's agreed to.

MR. MORGAN: Mr. Speaker, with regard to the request, I request that – permission to – for unanimous consent to introduce two commending resolutions.

THE SPEAKER: The gentleman from Gloucester, Mr. Morgan, for a unanimous consent to introduce a commending resolution. As many in favor of that motion will say I.

MULTIPLE VOICES: I.

THE SPEAKER: Those opposed, no. That motion's agreed to. The gentleman from Prince William, Mr. Lingamfelter.

MR. LINGAMFELTER: Mr. Speaker, ask for a request.

THE SPEAKER: Gentleman may state it.

MR. LINGAMFELTER: Actually, Mr. Speaker, [11] it's a motion. I would like to make the motion to introduce a memorial resolution for a very, very brave marine who lost his life in Afghanistan this week.

THE SPEAKER: Gentleman from Prince William, Mr. Lingamfelter, asks for unanimous consent to introduce a memorial resolution. As many in favor of that motion will say I.

MULTIPLE VOICES: I.

THE SPEAKER: Those opposed will say no. That request is agreed to. The gentleman from Chesapeake, Mr. Spool.

MR. SPOOL: This is in regard for a request.

THE SPEAKER: Gentleman may state it.

MR. SPOOL: The (inaudible), my seat mate, Delegate Ward, is away on pressing personal business.

THE SPEAKER: The journal will so reflect. Gentlewoman from Sussex, Miss Tyler.

MS. TYLER: Thank you, Mr. Speaker. I rise for a request.

[12] THE SPEAKER: Gentlewoman may state it.

MS. TYLER: I would like to request unanimous consent in order to introduce a memorial resolution.

THE SPEAKER: Gentlewoman from Sussex, Miss Tyler asks for unanimous consent to introduce a memorial resolution. As many in favor of that request will say I.

MULTIPLE VOICES: I.

THE SPEAKER: Those opposed no. That's agreed to. The gentleman from Prince William, Mr. Marshall.

MR. MARSHALL: I rise for a request, Mr. Speaker.

THE SPEAKER: You may state it.

MR. MARSHALL: Request that the journal reflect that my seat mate, the gentleman from Hanover, is away on pressing personal business of a variety of which all of us would like to be doing right now, Mr. Speaker.

THE SPEAKER: The journal will so reflect. [13] The gentlewoman from Chesterfield, Miss Robinson.

MS. ROBINSON: I rise for a request, Mr. Speaker.

THE SPEAKER: Gentlewoman may state.

MS. ROBINSON: I would like the journal to reflect that my seat mate from Newport News, Delegate Oder, is away on pressing personal business.

THE SPEAKER: Journal will so reflect. Gentleman from Alexandria, Mr. Ebbin.

MR. EBBIN: Thank you, Mr. Speaker. I rise for two requests.

THE SPEAKER: So may state them.

MR. EBBIN: First I request unanimous consent to introduce a commending resolution.

THE SPEAKER: Gentleman from Alexandria, Mr. Ebbin, asks for unanimous consent which to introduce a commending resolution. As many in favor of that resolution will say I.

MULTIPLE VOICES: I.

THE SPEAKER: Those opposed no. [14] The request is agreed to. Gentleman from Alexandria.

MR. EBBIN: Thank you, Mr. Speaker. I request that the journal reflect that the gentleman from Montgomery is absent today due to pressing personal business.

THE SPEAKER: Journal will so reflect. The gentlewoman from Wythe, Miss Crockett-Stark.

MS. CROCKETT-STARK: Thank you, Mr. Speaker. I rise for two requests and an introduction.

THE SPEAKER: Gentlewoman has the floor.

MS. CROCKETT-STARK: Thank you. In the gallery today is the Covenant Christian Academy from Wythe County, and I would like everyone to please give them a hearty welcome. It's rare when my schools come four and a half hours, so I would appreciate a welcome. Thank you.

(Applause.)

MS. CROCKETT-STARK: I would thank you, Mr. Speaker. I request that – let the record [15] show that my seat mate from Halifax is away on pressing personal business today.

THE SPEAKER: Will so reflect.

MS. CROCKETT-STARK: And I would also like to request a commending resolution.

THE SPEAKER: The gentlewoman from Wythe, Miss Crockett-Stark, requests unanimous consent to introduce a commending resolution. As many in favor of that request will say I.

MULTIPLE VOICES: I.

THE SPEAKER: Those opposed, no. That request is agreed to.

MS. CROCKETT-STARK: Thank you.

THE SPEAKER: Gentleman from Virginia Beach, Mr. Villanueva.

MR. VILLANUEVA: Mr. Speaker, I rise for a request.

THE SPEAKER: So may state it.

MR. VILLANUEVA: I request that the journal reflect that the delegate from (inaudible) is on pressing personal business.

THE SPEAKER: Journal will so reflect. [16] The gentleman from Franklin, Mr. Poindexter.

MR. POINDEXTER: Thank you, Mr. Speaker. Mr. Speaker, I rise for a request.

THE SPEAKER: So may state it.

MR. POINDEXTER: Mr. Speaker, I'd ask the journal reflect that my seat mate, the gentleman from

Virginia Beach, is absent on pressing personal business today.

THE SPEAKER: Journal will so reflect. Gentleman from Virginia Beach, Mr. Tata.

MR. TATA: Thank you, Mr. Speaker. I rise for a request.

THE SPEAKER: Gentleman may state it.

MR. TATA: That my seat mate is away on pressing personal business. He may be here later.

THE SPEAKER: The – the journal will so reflect. (Laughter.)

THE SPEAKER: He's – he's done that to you before, hasn't he. [17] Gentlewoman from Alexandria, Miss Herring. MS. HERRING: Thank you, Mr. Speaker. I rise for a request.

THE SPEAKER: Gentlewoman may state it.

MS. HERRING: Will the journal reflect that my seat mate, the gentleman from Lancaster, Mr. Pullard, is away on pressing personal business. Thank you.

THE SPEAKER: The journal will so reflect. Gentlewoman from Newport News, Miss Abbott.

MS. ABBOTT: Thank you, Mr. Speaker. I rise for a request.

THE SPEAKER: Gentlewoman may state it.

MS. ABBOTT: Mr. Speaker, I ask for unanimous consent for a commemorative resolution.

THE SPEAKER: You're asking for unanimous consent to introduce a commending resolution?

MS. ABBOTT: Yes, sir. For the James City County firefighters who responded to the tornadoes last week.

[18] THE SPEAKER: Okay. Gentlewoman from Newport News, Miss Abbott, has asked – requested unanimous consent to introduce a commending resolution. As many in favor of that request will say I.

MULTIPLE VOICES: I.

THE SPEAKER: Those opposed no. That request is agreed to.

House will be at ease for a moment.

(Break.)

THE SPEAKER: House will come to order. Are there further motions or resolutions under rule 39? If not, the clerk will call the calendar.

MR. FINCH: Calendar of the House of Delegates for Wednesday, April 27th: House bill on third reading uncontested calendar. House bill 5005, a bill to amend the code related to decennial redistricting, mandated for article two, section six, by the constitution of Virginia.

THE SPEAKER: Shall the bill pass? That's [19] why we got these buttons to push. Gentleman from Henrico, Mr. Morrissey. Clerk will (inaudible).

MR. MORRISSEY: Thank you, Mr. Speaker. Speaking to the bill, Mr. Speaker.

THE SPEAKER: Gentleman has the floor.

MR. MORRISSEY: Thank you. Mr. Speaker, I rise to speak against House bill 5005, and I hope that this body will reject it. Mr. Speaker, the – the governor vetoed House bill 501, and this version is almost identical. To use my words and the architect's, Delegate Jones', words, a few minor

tweaks. Mr. Speaker, I'd like to be rather blunt and candid about House bill 5005. This work product, this piece of legislation, is as partisan as anything that has come down, including from the other side of the capital. Now, I realize that this bill got some by partisan support last time around, and even the governor said look at all the Democrats that – that supported it. But, Mr. Speaker, nobody is fooled, not the [20] Republicans, not the Democrats, not the media that's sitting in the back, and certainly most of all, not the public. Where the Republican members and with the architect could stick the knife in and twist it, they did. Our – our delegates, Billy Barlow, Robin Abbott, Paula Miller, Jim Shool, Joe Johnson, Bud Phillips, the minority leader, they all got it, they all got the knife, because they could do it.

MR. MARSHALL: Mr. Speaker. Mr. Speaker.

THE SPEAKER: Is this a parliamentary inquiry?

MR. MARSHALL: It's an objection.

THE SPEAKER: Okay.

MR. MARSHALL: Don't the rules forbid the naming of individuals in a debate such has been done right now, and especially when it's commingled with a statement of a kind of political assassination?

THE SPEAKER: The – probably the more proper way to do it would be to reference the gentleman or gentlewoman by their locality.

[21] MR. MORRISSEY: Thank you, Mr. Speaker. With respect to the minority leader from Henry County, his district was chopped up. I would call that political assassination. Good word. Now, the architect of the plan, my friend Delegate Jones, was – was masterful. He worked very hard. There's no question

about that, but the manner in which it went about was masterful. The gentleman from Suffolk followed a four point strategy and he did it very well. He listened to the lawyers on their side and the first thing they said was don't mess with any majority/minority district. It's the first thing you can't do. And the architect did just that. Went to the members of the majority/minority districts and said what do you want and he gave it to them. And what they wanted was exactly consistent with what Republicans in contiguous districts were willing to give up.

Next point that his attorney said was followed to a T was divide and conquer. Call [22] some of the Northern Virginia delegates up, ask them what they want, throw them a few crumbs, and let's get them on board so that the governor can later say this is a bipartisan support. But the rest of them, where you can get them, you do. And with the gentleman and the delegates that I mentioned earlier, that's exactly what happened.

And the last point of the strategy was don't get too greedy. You've already got -¬ we've already got 61. Let's not get too greedy because there's an 800 pound gorilla out there called the Department of Justice that's waiting to pounce. We can probably get up to 65 and 66. Anymore than that, it's hard to – to manage anyway, and it was a masterful strategy and it's worked so far.

However, the point was made to the architect whenever you're asked on the floor about one man, one vote, if you're ever asked about Hispanic, Latino, Asian, or other ethnic groups like the Filipino American, American [23] Indian, just come back with the same phrase again and again. I believe the House plan comports with the spirit and dictate of the Voting

Rights Act. And Delegate Jones said that again and again and again. Every time I asked a question about one man, one vote, I got the same answer. Mr. Speaker, no one was fooled. You know, has anybody wondered why my district wasn't put in a blender? Maybe put mine down in Tangier Island, chop it up? Speaker, 'cuz they couldn't. That would have violated that four point plan to not mess with any majority/minority districts. But where other people could be knifed, that's exactly what happened. I don't think they didn't do – gerrymander my district, Mr. Speaker, because I'm loved so much or they are my buddies or I'm just a warm and fuzzy person. They couldn't get away with it and they didn't.

At the end of the, day we have less diversity with House – House bill 5005 than we could have had. And let me just speak a moment [24] about diversity. This body used to be represented by rich, white, wealthy –

(Speaking out of hearing and applause.)

MR. MORRISSEY: Bar-jesses (phonetic). There came a point, Mr. Speaker, when they said, you know, that's probably not the best thing to do. Maybe we should get some Plebeians in there, and we did. And that worked out well. And it wasn't just the rich and the wealthy and the white. Then along the way they said, you know, maybe we should get some women in there. And that actually worked out pretty well, too, and became more diverse. And then post-reconstruction, they said, you know, it probably would be a good idea if we had some African Americans in there. And that hasn't worked out too bad either. And then this body became less of an aristocratic body and we had teachers and hog farmers and hay farmers and realtors and morticians. We had a people that represented the entire Commonwealth. Diversity, I

think, everybody [25] would say was good. But right now, we don't have a representative that's Hispanic, Latino. We don't have a majority/minority district that's Asian. I think it's good that this body has a Filipino American and an Asian American. I think it's good because it makes it more diverse. But, Mr. Speaker, there's folks out there that understand what's going on. All you have to do is read some of the recent editorials and more are coming.

Vivian Page, who's well known, wrote a very powerful piece about powerless in a partisan game. She wrote for the Virginia Pilot, an African American journalist that I thought her – her thoughts were very pressing. Quote in his letter explaining the veto, "the governor took pains to applaud the House for its bipartisan approach while finding significant issues for the Senate reapportionment plan." Quote, "I can't believe the governor wrote those words with a straight face." She went on to say an independent [26] review of the maps approved by the general assembly reported that legislative districts with this plan will be less compact, will split more communities and cities, and separate common sense communities of interest even more. The conclusion holds true for both the House and the Senate. She went on to say let's be very clear about this. Those plans that emerge from the toothless independent commission appointed by the governor and from those – from colleges redistricting competition were much better than anything that we did. Went on to say that those people that voted for this plan did a disservice to democracy and did a disservice to diversity.

Doug Wilder followed that up with a op-ed piece and he said something interesting. His point was diversity is good if you get more minority representation, you

get a better or a more diverse judiciary. You get more African Americans in the judiciary, more African Americans in secretariat positions, and he said [27] what's happening now isn't any different than happened 20 years ago. In 1990 he said I wanted to get ten seats. Folks resisted it. Only wanted to give eight, but we vote ten. Ten years later we wanted to get 12. Folks resisted it. Only wanted ten majority/minority districts but we got it, and this year, Mr. Speaker, we had a chance to get 14 seats. Still far below the population in the Commonwealth, and this plan doesn't do that. This plan pays no heed whatsoever to the governor's blue ribbon panel. Why create it at all. There's no reason for doing that. I don't have to say that what the Republicans did – excuse me, what the Democrats did on the other side of the aisle, other side of the building, chopping up Virginia Beach, breaking up that community of interest, and splitting two Republicans was disgraceful because I already said it.

I told our former – the minority leader who's not here today that in 2007 after winning [28] a primary and before I was even elected that if I ever had a chance to vote, if he ever became the speaker and I had a chance to vote for a nonpartisan commission to give up that power, I would vote for it. I'm really disappointed, Mr. Speaker, that that didn't happen. Mr. Speaker, and I say this respectfully, and I've said it as I always have to you, I think you had a great opportunity here. You could have marshalled your charges. You could have given heed to a bipartisan commission. You have the power and you could have given it up and in all due respect, I think a legacy that would last 20 or 30 years could have lasted a hundred, because they would have said you had the power and you did what was right and you gave it up. Some day, some time, some – somebody will – will do what –

the correct thing, because what's gonna happen, we're gonna continue someday to get a democratic majority, and if we don't change it, they'll do the same bipartisan knifing that is being done today. I ask Mr. [29] Speaker when is it going to stop. It's certainly not stopping with House bill 5005, and I'd ask the body to reject it. Thank you, Mr. Speaker.

THE SPEAKER: The gentlewoman from Hampton, Miss Ward.

MS. WARD: Thank you, Mr. Speaker. Mr. Speaker, I rise to speak about the bill.

THE SPEAKER: Gentlewoman has the floor.

MS. WARD: Mr. Speaker, ladies and gentlemen of the House, I truly rise with some fear and trepidation because I'm standing this time to speak against this bill. I know that what I'm doing, I've heard that it will not bode well for me to do this thing. But to be honest with you today, I just don't care. What I wanna do is the right thing. And I just feel compelled to speak today. First of all, I just wanna thank the gentleman from Suffolk, Mr. Jones, the gentleman from Chesapeake, Mr. Spool, and the gentlewoman from Petersberg. I think they did a fantastic job in giving each [30] one of us basically what we wanted. And I was right there on the frontline talking about what I wanted. But last week when we were here and we had an opportunity to vote on this bill, and I sat there and it was the hardest vote I've ever taken when I voted yes. Because I knew that what I was doing was for myself. The lines were drawn so it would be easier for me to get reelected and I just didn't think about anyone else. The other people, the gentlewoman from Newport News, gentlewoman from Norfolk, the minority leader, the gentleman from – throughout this

Commonwealth didn't even cross my mind. All I thought about was is this gonna be good for me. And I know as I'm standing up, I know there's gonna be so much talk and probably notes and texting going on behind my back right now for what I'm doing, but that's okay. It's okay. And I wanna say that I really do love this body, but no one knows and no one in my caucus realizes that I was gonna stand today, but I remember walking out of this [31] chamber after that vote. No one saw me. I ran down those back steps. I didn't even feel good enough to walk out those double doors out of this chamber because of what I had done.

When I ran for election, someone I really respect and whose seat I hold now told me that any time you start voting for something for yourself and you forget about the people, maybe it's time for you to go. And so I thought about that and I realized just as Dr. Martin Luther King said the night he was assassinated, the night before he was assassinated, that longevity does have its place. And I know I wanna have a very long legislative history. But today I just wanna do the will of the people of this Commonwealth, and that's why I'm standing. That's why I felt like it was important for me to stand up here today. And I've heard it all. I've heard all about when the Democrats were in control this is what they did, and that's the reason why Republicans are doing what they're doing, and if the Democrats [32] were in this position, they would be doing the same thing. But sometimes this has to stop. This may be a radical idea, but I feel like I'm from a radical people. And I can feel today as I sat here and I said all I have to do is just vote no and not say a word, but I thought that's a position of weakness. When I've got so many people, the blood of some radical people running through my vein, and for me to sit here and not say a word, would not be paying honor to these

people. I think of Fannie Lou Hamer, who said she was just sick and tired of being sick and tired of the same thing. She wanted to make sure that all the black people knew that they did have a right to vote so that their voices could be heard. That is the reason why I'm standing. And I also think of those brave women back in World War II where they didn't work in – in factories building war planes and bombs, but they did. And I'm thinking then of Rosie the Riveter and you've seen the posters of her with her little [33] arms, her fist clenched, and she's saying we can do this. So I believe that we can do this today. We can change the way, we can stop this as business as – as usual, and we can do exactly what the people of the Commonwealth sent us here to do, to be their voice.

The governor appointed a bipartisan commission and they travel throughout this state listening to what the voters said, and they all said that they wanted a very bipartisan redistricting plan. And I don't think that we have done that. And my final person whose blood I'd like to think is just rushing through my veins is that of Queen Esther, who found herself in a difficult situation, and she said that if she lived or if she died, and to paraphrase her, if I'm reelected or not, today I feel as if I have to go before all of these leaders and speak on behalf of the people of this Commonwealth. They've given us a job to do, and I don't believe that we've done it. And I recognize [34] that my one little vote won't make a difference, but I hope that in all the history books that somewhere people will remember me as someone who had the nerve to stand up and say no and vote no. Thank you, Mr. Speaker.

THE SPEAKER: The gentlewoman from Richmond City, Miss McClellan.

MS. MCCLELLAN: Thank you, Mr. Speaker, speaking to the bill.

THE SPEAKER: Gentlewoman has the floor.

MS. MCCLELLAN: Mr. Speaker, I felt I needed to stand and clarify the record, 'cuz we are creating a record here that may or may not find its way in a court of law. And I wanna be absolutely clear. The gentleman from Suffolk did not come to me or any of the gentleladies from the City of Richmond and ask what do you want. And, quite frankly, if I were drawing the map, my district wouldn't look like it looks in this map. And the entire map probably wouldn't look – definitely wouldn't look like this map does. But what the gentleman from [35] Suffolk did do was when the registrar from the City of Richmond, which we represent, called us as her representative to complain about the bill as it was originally introduced, because precincts were split in a way that would make it difficult for her to administer elections, and a member of the public does not have the right to go to legislative services and ask for changes, she had to go through us. And when the president of the Church Hill Neighborhood Association called me and said as originally introduced, the bill literally segregated Church Hill, literally segregated Church Hill, a neighborhood that already struggles to maintain a sense of community across Broad Street, and said that by segregating Church Hill between districts, that would make it difficult. And she as a citizen didn't have the right to call legislative services and ask for changes, but I did. Gentleman from Suffolk listened and to the extent he felt he could based on the criteria he was operating under, [36] whether I agree with that criteria or not, he listened to those changes.

I did not ask for a single thing for myself. My district as it exists right now is the most democratic in the state. Given the demographics of the City of Richmond, it doesn't matter what you do to my district, and, quite frankly, it's not my district. It belongs to the citizens of the City of Richmond. And I had a choice. I could rail against the process and rail against those in charge who had the pen and developed the criteria, or I could try to have some influence to take care of the concerns of the people I represent. I was sent here to represent them, to look after their interests, not my own.

Now, I will rail against the process a little bit. I would love to have bipartisan redistricting. I would love to have had maps introduced by the commission in time for them to be analyzed. I would loved to have been able to have had time before these bills were [37] introduced and acted on to get into the software and figure out what's the voting age African American population in the 14 member plan or the 13 member plan. What's the total population. Does it split precincts. Does it split neighborhoods. Does it keep communities of interest together. But that plan was not introduced in time for all one hundred of us to do that. I certainly couldn't. I'd be surprised if more than one or two people in this chamber have done that analysis. There was a whole series of questions asked by the minority leader about the current plan and what kind of analysis was done. I couldn't in good conscience criticize the plan we had before us for not having done an analysis on the basis of another plan where that analysis had not been done. Is this a perfect bill, absolutely not. Quite frankly, can we adopt the perfect bill given the time frame that we have and the process we have? Probably not. Is this the best we could have done? I don't know. Does [38] it violate the

Voting Rights Act, I don't know. We all – both sides have lawyers that'll figure that out and they'll argue that to a court, if necessary. But I just wanna be perfectly clear, and I'm sure the other members of the black caucus and the other members of the Northern Virginia Delegation will say the same thing. No one asked me what I personally wanted, nor did I personally ask for anything. So you vote your conscience on this bill. Thank you.

THE SPEAKER: The gentlewoman from Sussex, Miss Tyler.

MS. TYLER: Thank you, Mr. Speaker. Rise to speak to the bill.

THE SPEAKER: Gentlewoman has the floor.

MS. TYLER: Mr. Speaker, I rise to speak to House bill 5005, but first I wanna thank Delegate Jones and Delegate dance and – and Delegate Spool and Delegate Joanna for all their work in trying to come up with district lines for the 75th district. But, however, I'm [39] still overly concerned because in my district, we have five prisons with over 8,000 individuals that cannot vote. So when it comes down to looking at the voting age population and the calculation of – of blacks and whites in the district, the numbers doesn't play out when it comes to majority districts. I've looked at the numbers and with a 55 'cent population of black population, but without 8,000 individuals in prison, I'm one that do not like the way that is drawn. And maybe it's a possibility that it will not be drawn the way I like, but I think right there just looking at the prison population is such an inequality when you're talking about 8,100 in there are also included in that population. When you look at people coming to the voting registration or the fellas in the area, there's

some inequality there. Therefore, I just wanna thank them for their support, but I cannot support the bill as its written today.

THE SPEAKER: The gentleman from Roanoke [40] City, Mr. Ware.

MR. WARE: Thank you, Mr. Speaker. Mr. Speaker, you know, I rise for a point of personal privilege, Mr. Speaker. Speak to the bill, I'm sorry.

THE SPEAKER: Well, you'd have to – speak to the bill, gotcha.

MR. WARE: And as you can see, Mr. Speaker, I'm a little bit hesitant to even stand up and talk about this, and I certainly understand how African Americans feel. We've heard this bill bounced around and represented by, quite frankly, non-African Americans, and there's nothing wrong with that. But nobody ever came and asked me if I thought we needed two or three more African American minority districts and maybe they – they didn't have to ask me, Mr. Speaker. And – and I consciously tried to stay, as Miss – the delegate from Richmond City did, I tried to stay out of the process, because I was fearful that we would get to this point and then finger pointing [41] would be called. One thing I said when I came to the Virginia Journal (inaudible) House of Delegates, that my vote was the vote of the people of my district, and I've had tough times because of that philosophy. And so I stand up today, you know, not trying to bash anybody about however they vote. That's certainly your right. But what I can tell you is, Mr. Speaker, that, you know, it's great to say we are here for the good of the Commonwealth, and we all are familiar, but there are times when you have to look out for your people back home. And whether that be a minority district or

whether that be just a district. I can tell you, Mr. Speaker, I'm proud – I think I have the best district in Virginia. It is not a minority district. I happen to be a minority who represents 61 percent white folk. And when I cast a vote, I don't think about, well, it's a white vote or a black vote. It's a vote. And when I cast that vote, I wanna make sure that the vote that I cast represents the people [42] that live in the 11th district.

As – as we think about the redistricting plan, I won't rehash some of the eloquent things that others have said, but what they did with this redistricting plan, they fixed my district from the atrocity that it was ten years ago. They made it compact. They made it contiguous. They made it a district of community interest. So should I, for the good of the cause, stand up and vote against the bill, or should I, because the right thing was done for the 11th district, should I vote for the bill because they took care and corrected a right – a wrong ten years later? I won that district regardless of what the configurations was. I said when this process started the reason why I didn't wanna be an intricate part of it, because when I ran eight years ago, I didn't pick the district and it didn't matter to me what district they gave me this time, that I would run again. But what I do find somewhat awkward is some of the statements as [43] though they're made to make African Americans feel ashamed of voting for a plan because it helped them. And I don't think that's fair because that – that'll – that assumes to me, as an African American man, that I don't have a mind and that I can't think for myself and someone else should. And so I rise to say that I've looked at this plan, I've thought of every way that the plan could be better, and there's certainly things that could have happened that were out of my control and out of a lot of our control. Certainly out of a lot of African American controls, so

for once in the history – if we get something that we want, why should we be ashamed of it? Why should I be upset about the fact that I got a good district with African American and white people in it. And so I simply say that I'm not ashamed to take a vote for what I think is a right thing for my people. Could things have been better, absolutely. I think we would be here on the floor, Mr. Speaker, had we used [44] every recommendation from the bipartisan commission, because it certainly wouldn't have made the district that I have now. And if I lose my district then it's my fault because then I didn't work hard enough to win it. And so I would say to anybody, you vote however you wanna vote today, but let's not get so sanctimonious and try to presume that we know how other people feel and how other people think. And I very seldom ask anybody to fight my battles. I'll fight my own. And so my vote today will be a vote for the people of the 11th district because I have no control over the entire process. Thank you, Mr. Speaker.

THE SPEAKER: Shall the bill pass?

MALE VOICE: Mr. Speaker. Mr. Speaker.

THE SPEAKER: Gentleman from Shenandoah, Mr.

MALE VOICE: Parliamentary inquiry. Are we getting ready to vote, and if so, should all the members who are in the lounge and other places come out and get in their seats?

[45] (Laughter.)

THE SPEAKER: That's a very good question. I hope everybody had a chance to finish.

MR. JONES: Mr. Speaker.

THE SPEAKER: Gentleman from Suffolk, Mr. Jones.

MR. JONES: Speaking to the bill.

THE SPEAKER: Gentleman has the floor.

MR. JONES: Speaking ladies and gentlemen of the House, I certainly appreciate the comments from the other side of the aisle, and I think any bill that is drafted gets amended along the way. I think as bills work their way through this process, there's input that's received from members, whether it's something coming out of the court's committee, out of the appropriations committee, out of the other – into the capital. And I would like to state that I am confident that this is the only bill that we have seen that approximate the one person, one vote premise, and fully complies with the Voting Rights Act. And I will say [46] that, you know, in putting this plan together, we tried to make sure that the criteria was followed, and I think it was. There were individuals who came to me and asked for certain considerations for their community, and I think the gentlelady from Richmond hit the nail on the head. It's not her district. She said not mine, it's the people's. And we have heard through the testimony from last fall through the spring there were certain things that people wanted us to do and look at, and I think we did that. We heard testimony about an effective percentage for representation for the majority/minority districts, and I think we have done that. I think we've improved the bill, especially in the gentlelady's from Hampton's situation. We unsplit three precincts, we moved it completely out of Newport News, and I did those things because I think they – they were the right things to do. We listened to comments from the registrar in Richmond and certainly understand the need to [47] be able to have elections run as smoothly as possible. We actually split a precinct with a zero population block to

accommodate a voting place. So I think that the time spent on this bill with both sides of the aisle, Northern Virginia, Southwest Virginia, Richmond, et cetera, was done because I wanted to see a bill that was fair and that would be a good map and a fair map to make sure that the people's business was done in a manner that would be pleasing, I would hope, to all. And I would ask that we would pass the bill.

THE SPEAKER: Shall the bill pass.

MR. SICKLES: Mr. Speaker. (Inaudible.)

THE SPEAKER: Destroy the role. Gentleman from Fair fax.

MR. SICKLES: Speaking to the bill.

THE SPEAKER: Gentleman has the floor.

MR. SICKLES: Mr. Speaker, I'm sorry, everybody, I just wanted to make one last statement, especially since the gentleman from Suffolk just spoke, and – and this is my [48] eighth year here and I've been on the privilege and election committee the entire time and multiple times per year I've voted for nonpartisan or bipartisan or bills that would try to take politics out of this process and it – and it didn't pass. I wish it had passed. I offered a resolution for the criteria going into this session, into this redirecting plan that would have kept the deviation of two percent rather than the one percent that we did, because it's within the law to have up to a five percent deviation, plus or minus, and I thought that would help us divide fewer communities. We can only get two votes for that in committee, and so that failed. And I just wanna say that the gentleman from – from Suffolk has handled himself in such a professional manner dealing with this, because when I learned about how the districts in Northern

Virginia were being drawn, there were lots of – of lines that were put on a map that were not – did not make [49] sense from a community of interest standpoint that did not lead to good places for people to represent, and it's hard to do that in – in suburbia in Fairfax County. It's a big place. We don't have clear communities of interest, but the – the bill was not perfect in that regard, so we did ask for things that put things back together, put communities that go to the same high school, some of the same neighborhoods, and – and the gentleman was very good about doing that, and I think we have a map now that in some respects makes more sense than the districts that we have now. There's some that – that don't, maybe they're a little odd looking, but probably not anymore odd than we have, and we have some that actually do make more sense from a long term community of interest standpoint. And there were many, many hours that went into this, and – and when I think about anything in life, I – I try to put myself in the shoes of the other person and say how would I do this, given [50] the facts and where we are now. What would I do. And if I – if I were – had been in charge of this, I would hope that I could have handled it in as professional a manner as the gentleman from Suffolk. So I just wanna thank him for that on the floor today. I mean, I – I didn't like where we started out. Everyone wants that, and I wish we had done it a different way, but given the facts and where we are, the gentleman did a good job of – of helping us put some districts together that make sense in Northern Virginia, and for that I – I thank him. Thank you, Mr. Speaker.

(Laughter.)

THE SPEAKER: Shall the bill pass?

(Beep and speaking out of hearing.)

MR. FINCH: Ayes 80, noes nine.

THE SPEAKER: Ayes 80, noes nine. The bill is passed.

MR. FINCH: Continuing on page two of the calendar. Memorial resolutions laid on speaker's table. House joint resolution 5025, [51] celebrating the life of Steven Douglas Hensley. House joint resolution 5026, celebrating the life of Major William O'Connor Smith, U.S. Air Force, retired. House joint resolution 5031, celebrating the life of Robert Phillip Jerralee (phonetic). House resolution 511, celebrating the life of Mark S. Wise.

THE SPEAKER: As many as favor the adoption of those resolutions will please rise. Resolutions are adopted.

MR. FINCH: Continuing on page two of the calendar. Commending resolutions laid on speaker's table. House joint resolutions 5027, 5028, 5029, 5030, and on page three of the calendar, House resolution 512.

THE SPEAKER: As many favor adoption of those resolutions will please say I.

MULTIPLE VOICES: I.

THE SPEAKER: Those opposed no. Resolutions are adopted.

MR. FINCH: That completes the calendar, Mr. Speaker.

[52] THE SPEAKER: Does the clerk have any announcements or communications?

MR. FINCH: Yes, sir, Mr. Speaker. Just a reminder of members to please turn in the golden rod sheet indicating whether you will be attending the

memorial service on Friday, please. That's all the announcements I have, Mr. Speaker.

THE SPEAKER: Gentleman from Colonial Heights, Mr. Cox.

MR. COX: Mr. Speaker, I would move the House stand in recess until 7 o'clock, and if I could explain that motion.

THE SPEAKER: Gentleman has the floor.

MR. COX: Mr. Speaker, I hope – certainly no guarantees in life, I hope that we're negotiating right now on a slade of judges. We hopefully at 7 o'clock might have something as far as a resolution goes, might not. But that's to give us much – hopefully resolve that, and so that's the reason why we're recessing until 7 o'clock.

[53] FEMALE VOICE: Mr. Speaker.

THE SPEAKER: The gentlewoman from Newport speaking to the motion?

FEMALE VOICE: Mr. Speaker, at the appropriate time could we return to the morning hour briefly?

THE SPEAKER: Okay. Let's vote on this one first, okay?

MR. MORRISSEY: Mr. Speaker?

THE SPEAKER: Speaking to the motion?

MR. MORRISSEY: Speaking to the motion, Mr. Speaker.

THE SPEAKER: Gentleman has the floor.

MR. MORRISSEY: Mr. Speaker, as I understand it, there are a slade of judges that have been recently voted upon and that we're going to be asked

to consider to vote on as a body in a few hours time. The gentlewoman from Richmond pointed out a few moments ago that one of the reasons that we had with the previous plan was that there was not a lot of time to consider it. Given that some of these judges [54] may serve on the Supreme Court of the Virginia Court of Appeals, I'd ask the gentleman from Colonial Heights, would it not be appropriate to give us some time to reflect on these senior appellate court judges who may serve for quite some time as opposed to having no time to reflect on it and have to vote on it as a body at 7 o'clock.

THE SPEAKER: Were you propounding a question to me or to the gentleman from Colonial Heights or just –

MR. MORRISSEY: – speaking – thank you, Mr. Speaker. I was speaking to the motion and the gentlemen – and the question I was propounding to the gentleman from Colonial Heights with respect to the time.

THE SPEAKER: Gentleman yield?

MR. COX: Well, I'll say several things (inaudible) gentleman from Rockbridge, I think, who's a little bit more intimate with the negotiations can certainly add to that. I think certainly a list can be made available to [55] the gentleman. I think from – I think Mary Kay Felch, if the gentleman would like it, this is traditionally the way it's been done. I think, you know, it doesn't very much – a lot of the lower court judges, I think, people are very familiar with. I think most people are pretty familiar with the slade of judges that are being considered for the other positions. And so certainly I think that is pretty standard procedure, but

if the gentleman from Rockbridge would like to add to that, he can feel free to.

MR. CLINE: Mr. Speaker.

THE SPEAKER: Gentleman speaking to the motion?

MR. CLINE: Speaking to the motion.

THE SPEAKER: Gentleman from Rockbridge, Mr. Cline.

MR. CLINE: Thank you, Mr. Speaker. Briefly I would just say that the individuals who expressed an interest in appellate level positions on the judiciary went before the [56] Courts of Justice Committee for interviews, and many who are not on the Courts of Justice Committee came to those interviews to sit and to listen and to hear about the interested candidates' philosophy on different issues and answer questions. And so on several different occasions we – we had interviews. So there has been an opportunity. The list is very, very well known, and we're happy to provide anyone with that list for their consideration.

THE SPEAKER: The question is on the motion to recess until 7 p.m. As many in favor of that motion will say I.

MULTIPLE VOICES: I.

THE SPEAKER: Those opposed no. Clerk have any announcements?

MR. FINCH: Mr. Speaker, been advised that there will be a Republican caucus at 6:30 p.m. in House room one. Democratic caucus at 6:30 p.m. in House room two. That's all the announcements I have, Mr. Speaker.

THE SPEAKER: The gentlewoman from Newport [57] News?

FEMALE VOICE: Mr. Speaker, I'll bring my request when we return.

THE SPEAKER: Okay.

FEMALE VOICE: Thank you.

THE SPEAKER: The house stands in recess until 7 p.m.

(Break.)

THE SPEAKER: Come to order. The gentleman from Rockbridge, Mr. Cline.

MALE VOICE:

MR. CLINE: Thank you, Mr. Speaker. Rise for an announcement.

THE SPEAKER: Gentleman has the floor.

MR. CLINE: Mr. Speaker, ladies and gentlemen of the House, the Senate has recessed until 8 o'clock out of desire by the clerk staff to go to the Jamerson visitation. And so they are not in right now. I think it'd be appropriate at this point, rather than wait until eight to do lower court judges because the appellate level judges are still in [58] negotiation, that we have all the judges go till tomorrow. I apologize, but I think that it would be more appropriate to come in tomorrow when we do redistricting and do judges at that point.

THE SPEAKER: Now, is it true that at 3 o'clock you knew this was gonna happen.

(Laughter.)

THE SPEAKER: Gentleman from Colonial Heights, Mr. Cox.

MR. COX: Mr. Speaker, I move that when the House adjourn today, it adjourn to reconvene Thursday at 2 p.m.

THE SPEAKER: The gentleman from Colonial Heights, Mr. Cox, moves that when the House adjourn today, it adjourn – reconvene tomorrow at 2 p.m. As many in favor of that motion will say I.

MULTIPLE VOICES: I.

THE SPEAKER: Those opposed no. The motion's agreed to. The gentleman from Colonial Heights, [59] Mr. Cox.

MR. COX: Mr. Speaker, I move the House to now adjourn.

THE SPEAKER: Gentleman from Colonial Heights, Mr. Cox, moves the House to now adjourn. As many in favor of that motion will say I.

MULTIPLE VOICES: I.

THE SPEAKER: Those opposed no. Those agreed to. The House stands adjourned until 2 p.m. tomorrow.

(The recording was concluded.)

[60] CERTIFICATE OF TRANSCRIBER

I, Jackie A. Scheer, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording as provided; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise in its outcome.

/s/ Jackie Scheer

JACKIE A. SCHEER

STATEMENT OF CHANGE

Chapter 1, 2011 Virginia Acts of Assembly (Spec. Sess. I) (hereafter Chapter 1) revises Virginia's 100 single-member House of Delegates districts. Virginia's population grew at a rate of 13 percent, from 7,079,030 to 8,001,024, between 2000 and 2010. The pattern of growth was uneven across the Commonwealth, as illustrated in the attached map (Exhibit A) showing percent population changes by locality between 2000 and 2010.

Chapter 1 accommodates these population shifts and takes into account the variety of criteria and factors that traditionally shape the legislature's redistricting decisions. Each House district was altered to some extent, either to bring the district itself into conformity with population criteria or to facilitate necessary changes in adjoining districts. Redistribution of seats under Chapter 1 results in the loss of two districts by the rural western part of the state (Districts 2 and 10) and one by the South Hampton Roads City of Norfolk (District 87). All three districts are shifted to the suburban ring of Northern Virginia, two entirely or predominantly located in Loudoun County and one shared by Prince William and Stafford Counties. In addition, while District 93 remains in the North Hampton Roads area, it becomes an open district and the population majority of the district shifts from the older cities to the adjoining suburban localities.

POPULATION CHANGE BY REGION

Virginia's population increase of 921,994 was concentrated in the outer suburban and exurban rings of Northern Virginia and, secondarily, along the Interstate 64 corridor running from the suburban Hampton

Peninsula to the Charlottesville area. These areas account for an increase of 741,158, or 80 percent, of the overall State growth.

The largest increases in population are found in the suburban arc around the older Northern Virginia metropolitan core. Loudoun, Prince William, and Stafford Counties, along with the smaller Cities of Manassas and Manassas Park surrounded by Prince William, experienced an overall 52 percent growth rate. The increase of 307,085 accounts for one-third of the State's total population growth. The older core of the Northern Virginia region (Arlington County, City of Alexandria, and Fairfax County and the small Cities of Fairfax and Falls Church that it surrounds) continued to gain population (144,866), but its rate of growth, 11 percent, lagged slightly behind the State's overall growth rate.

As population continued to push out from the Northern Virginia core, the next adjoining set of "exurban" localities likewise experienced heavy growth. An overall growth rate of almost 30 percent (28.8 percent) increased the State population by 103,401 in, from north to south, Frederick, Clarke, Fauquier, Culpeper, Orange, Spotsylvania, Caroline, and King George Counties and including the Cities of Fredericksburg and Winchester.

The corridor along Interstate 64 from the North Hampton Roads suburbs to Charlottesville, skirting the Richmond metropolitan core, with a 21.1 percent overall growth rate, likewise added 84,838 to the State's total growth. This corridor includes, from east to west, are York, James City, New Kent, Hanover, Goochland, Louisa, Fluvanna, and Albemarle Counties and the Cities of Charlottesville and Williamsburg. One additional area of growth to be noted consists of the

two large counties encircling the City of Richmond. Chesterfield and Henrico Counties combined added 100,968 population, a growth of 19.3 percent.

In contrast to growth in the Northern Virginia and Richmond metropolitan regions is the case of the major cities of Hampton Roads. Chesapeake, Norfolk, Portsmouth, and Virginia Beach in South Hampton Roads and Hampton and Newport News in the North combined for a growth rate of only 2.3 percent. Portsmouth and Hampton actually lost population over the last decade. Above average growth in the adjoining suburban jurisdictions (James City County, York County, and the City of Williamsburg in the North and the City of Suffolk and Isle of Wight County in the South) could not offset the overall lag for the entire metropolitan region.

As can be seen on the Exhibit A map, most rural localities and smaller metropolitan areas in the rest of the State grew at rates below the State average, or in some instances actually lost population, over the last decade. The populations of most of the State's 39 cities increased between 2000 and 2010, but only seven experienced growth exceeding the State average. In addition to the smaller cities cited above in the high growth areas, Harrisonburg and Lynchburg had moderately higher growth and the suburban Hampton Roads City of Suffolk grew at 32.8 percent.

IMPACT OF POPULATION SHIFTS ON CURRENT DISTRICTS

The ideal population for a House of Delegates district based on the 2010 Census is 80,010. The range of deviations from the ideal for the current, pre-Chapter 1 districts was extensive—from a +138.2 percent deviation (District 13) to a -19.9 percent

deviation. (District 91) Adjustments to each district were made to eliminate the disparities in populations between the districts. A review of major regions of the Commonwealth illustrates the impact of the 2010 Census population shifts.

Northern Virginia Core

Arlington County, the City of Alexandria, and Fairfax County and the Cities of Fairfax and Falls Church are the oldest, "central" part of the greater Northern Virginia region. Nineteen House of Delegates districts are located entirely or predominantly within this core area in the current plan (Districts 34-49, 53, 67, and 86). The current districts combined are 19,255 below the ideal population for 19 seats. Chapter 1 maintains all 19 districts, although the boundary of each is adjusted to some extent. Population of approximately 26,000 is shifted to the area from Loudoun County to enable all districts to meet the equal population criterion.

Suburban and Exurban Northern Virginia

The components of these two rapidly growing groupings of localities have been listed above (see page 2). Nine current districts are included in the suburban arc around the Northern Virginia core (Districts 13, 28, 31-33, 50-52, and 88). These nine districts collectively are 231,067 over the ideal population for the number of seats currently allocated, and Chapter 1 moves three districts to the area: District 2 is shared between Prince William and Stafford Counties, District 10 predominantly is in Loudoun County with a smaller component from neighboring exurban counties, and District 87 is entirely within Loudoun County.

Five current districts are counted as parts of the exurban Northern Virginia arc (Districts 18, 29, 30,

54, and 99). Combined, they are 40,374 above ideal for five districts. Approximately one-half of this excess is included in the new District 10.

Western Virginia

Currently, 28 districts are located in the area of Virginia situated west of a line running from the Brunswick-Mecklenburg boundary on the North Carolina border north to the Charlottesville area and then north to the Shenandoah County - West Virginia border (Districts 1-12, 14-17, 19-20, 22-26, and 57-61). This is a largely rural part of the state, but includes the smaller Bristol, Charlottesville, Danville, Lynchburg, and Roanoke metropolitan areas. Population growth for the localities and metropolitan areas in this region with a few exceptions either lagged behind the state average or, in some instances, actually declined between 2000 and 2010. The districts in the area were a combined 143,753 under the ideal population for 28 districts according to the 2010 census.

Under Chapter 1, the comparable territory loses two seats in the southwestern area and the seats are transferred to high growth areas on the suburban rim of Northern Virginia. District 2 becomes a shared district between Prince William and Stafford Counties. District 10 will now be centered predominantly in Loudoun County, with smaller components from Clarke and Frederick Counties.

Hampton Roads

This urban southeastern corner of the State, the second largest of its metropolitan regions, for the second straight decade lagged dramatically behind the state's overall growth rate. Twenty-two districts are included in the region for purposes of this analysis, and their combined populations were 129,511 below

the ideal for that number of seats. (Districts 64 and 75 are included with the Hampton Roads group primarily for convenience.)

Fifteen of the districts (Districts 21, 76-85, 87, 89-90, and 100) are in the South Hampton Roads Cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach or, in the unique case of District 100, linked to the area. These districts were a combined 71,476 below the ideal population for 15 seats. Chapter 1 reduces the number of districts to 14; District 87 is transferred to Loudoun County for the third new seat in the Northern Virginia suburban arc.

Five seats currently are in North Hampton Roads and are comprised completely or predominantly of parts of the Cities of Hampton and Newport News (Districts 91-95). The 2010 census showed that the districts collectively were 52,409 below the ideal for that number of seats. Under Chapter 1, District 93 becomes an open seat and the majority (55 percent) of the district's population comes from James City and York Counties and the City of Williamsburg.

Interstate 64 Suburban Corridor

Four districts (Districts 55, 56, 96, and 97) form a growing suburban corridor along Interstate 64 from the western outskirts of the Hampton-Newport News border to the western border of Louisa County. The four districts have gained 35,000 in population since the 2000 census. The majority of that excess population is transferred to District 93, giving the corridor majority population control of a fifth district.

Richmond Area

Twelve districts (Districts 27, 62-63, 65-66, and 68-74) are located entirely or almost entirely within the

City of Richmond and its large adjoining Counties of Chesterfield and Henrico. (District 63 predominantly centers on the Petersburg area but is included in this grouping for convenience.) These current districts collectively are only slightly below (9,221) the ideal combined population for 12 districts, and Chapter 1 retains the 12 seats with some adjustments along the periphery of the area.

APPLICATION OF TRADITIONAL REDISTRICTING CRITERIA

On March 25, 2011, the Privileges and Elections Committee of the House of Delegates adopted criteria to be applied in drawing new House (See Attachment 4-House).

Population Equality

The House Committee on Privileges and Elections (the Committee) emphasized adherence to population equality among House districts. Its first redistricting criterion mirrors the Virginia Constitution's statement on population equality among districts and provides:

> *I. Population Equality*
>
> *The population of legislative districts shall be determined solely according to the enumeration established by the 2010 federal census. The population of each district shall be as nearly equal to the population of every other district as practicable. Population deviations in House of Delegates districts should be within plus-or-minus one percent. (House Committee on Privileges and Elections, Committee Resolution No. 1. Adopted March 25, 2011.)*

Chapter 1 districts have a deviation range of +1.0 percent to -1.0 percent, as compared with a +2.0 percent to -2.0 percent range applied in 2001 when the current districts were drawn. The rationale for a one percent plus or minus deviation standard was stated by Delegate Chris Jones in presenting the resolution to the House Privileges and Elections Committee for consideration at the March 25, 2011, meeting:

> *The one man one vote principle is certainly something that I think we all can appreciate. It's an item that I believe is in our Code, in our Constitution, and there have been several cases over the decade since we last did this measure or exercise I should say that dealt with that. I think most importantly it was the Larios versus Cox case in Georgia where they had patterns and deviations which were used in a discriminatory manner. There they found 4 patterns, and the 4 were as follows: They overpopulated Republican districts and underpopulated the Democratic districts, underpopulated the rural and inner city districts in Atlanta, and they overpopulated the suburban districts and the surrounding areas. Number 3, the high growth areas were overpopulated and the slow growth areas were underpopulated, and then the white areas were overpopulated and it was underpopulation in the African American areas. Any one of these by and of itself in the court's opinion was sufficient to prove a violation of the equal protection clause of the 14th Amendment, and it's my opinion by going to the 1 percent we foreclose the risk of having any type of Larios violation, hence the reason for the plus or minus 1 percent. (Pages 10-11, Transcript of*

House Privileges and Elections Committee Meeting, March 25, 2011.)

Equal Protection Clause and Voting Rights Act Considerations

The Committee adopted the following criterion on compliance with the United States Constitution and Voting Rights Act:

II. Voting Rights Act

Districts shall be drawn in accordance with the laws of the United States and the Commonwealth of Virginia including compliance with protections against the unwarranted retrogression or dilution of racial or ethnic minority voting strength. Nothing in these guidelines shall be construed to require or permit any districting policy or action that is contrary to the United States Constitution or the Voting Rights Act of 1965. (House Committee on Privileges and Elections, Committee Resolution No. 1. Adopted March 25, 2011)

The impact of Chapter 1 on racial minority groups is discussed in detail in Attachment 5. There are 12 districts with total and voting age majority Black districts in the current plan and Chapter 1 likewise includes 12 districts.

Contiguity and Compactness

The third criterion adopted by the Committee incorporated Virginia's constitutional requirement for contiguity and compactness with reference to the 1992 and 2002 cases in which the Virginia Supreme Court interpreted these constitutional standards.

III. Contiguity and Compactness

Districts shall be comprised of contiguous territory including adjoining insular territory. Contiguity by water is sufficient. Districts shall be contiguous and compact in accordance with the Constitution of Virginia as interpreted by the Virginia Supreme Court in the cases of Jamerson v. Womack, 244 Va. 506 (1992) and Wilkins v. West, 264 Va. 447 (2002). House Committee on Privileges and Elections, Committee Resolution No. 1. Adopted March 25, 2011.

While statistical measures of compactness are not determinative in the Virginia context, it can be noted that compactness scores for Chapter 1 are comparable to those of the current districts.

Average Compactness Scores

Measure	Current Plan	Chapter 1
Roeck	0.26	0.24
Polsby-Popper	0.25	0.23
Schwartzberg	0.71	0.68

Localities, Precincts, and Communities of Interest

Chapter 1 splits the 26 localities that have populations too great to be contained in one House district or, in the case of counties, exceed that population when combined with independent cities they surround. An additional 33 localities across the Commonwealth are also divided to facilitate meeting the criteria adopted by the Committee. As a rule, larger localities are targeted when localities in the latter set are divided. Only 11 of the 68 counties and cities of 25,000 or less population are divided in the plan. Six of the 11 small jurisdictions are components of majority minority

districts. The existing House plan splits the 26 localities that have populations greater than the ideal House district population and an additional 30 localities.

As a result of applying a tighter population deviation and balancing other criteria there is an increase in split precincts. Chapter 1 splits 109 precincts across the state to meet the criteria adopted by the Committee. (The number of split precincts does not include splits reported by the redistricting software program for seven precincts where all of the precinct's population is in one district and the adjacent district is shown with "0" precinct population. The zero population component is a water block or other census block used to facilitate district contiguity or district appearance and shape.) The current House plan technically splits 83 precincts, excluding "0" population splits, but the actual number may be as few as 46. The redistricting software used by the General Assembly identified 37 precinct splits where the population was less than 100 in the smaller part of the precinct. These "splits" are not recognized by the State Board of Elections and local election officials. In most if not all cases they can be attributed to minor discrepancies between district and precinct lines that resulted from Phase 2 of the PL94-171 Redistricting Program of the Census Bureau.

The General Assembly heard, considered, and balanced many points of view on communities of interest beyond those reflected in the communities contained in localities and precincts. Testimony and debates point out the wide variety of competing communities of interest, including those defined by geographic features such as mountain ranges and valleys, by

economic character, by social and cultural attributes, and by services.

Partisan and Incumbency Considerations

House Bill 5005, which became Chapter 1, passed the House of Delegates with bipartisan support by a vote of 80 to 9. All 52 Republicans who voted supported House Bill 5005, as did both Independents. Twenty-six of the 39 Democrats in the House voted in favor of the bill, while nine opposed it. Seven Republicans and four Democrats did not vote (10 were granted leaves of absence for the day). Since the Senate added the redistricting plan for State Senate districts to House Bill 5005, subsequent votes were on the combined district plans. The Senate passed this version of House Bill 5005 by a vote of 32 to 5, with three members not voting. Twenty-one Democrats voted for passage of the bill; one Democrat did not vote. Eleven of the 18 Senate Republicans likewise voted in favor of the bill, five were opposed, and two did not vote. The House in turn agreed to the bill as amended in the Senate by a vote of 63 to 7. Voting to accept the version as amended by the Senate were 41 Republicans, one Independent, and 21 Democrats. The seven votes against were cast by Democrats. Eighteen Republicans, 11 Democrats and one Independent did not vote on the measure (15 were granted leaves of absence).

The district election performance projected by the Assembly's redistricting application for the current and new plans, based on the 2009 election results for Governor, suggest that partisan factors were present but muted in establishing new districts. Seventy-two of the Chapter 1 districts would have been carried by the Republican candidate for Governor in 2009, a net decrease of two Republican districts from the current plan. Chapter 1 would increase the number of districts

carried by the Republican ticket from 51 to 53 in the more evenly contested 2008 Presidential election.

Another perspective compares each district's 2009 vote with the 59 percent of the statewide vote garnered by the Republican candidate for Governor. The estimated Republican vote exceeded the statewide vote in 60 of the current districts and will do so in 62 of the Chapter 1 districts. The comparable numbers for the 2008 Presidential election likewise show a minimal shift of districts from the current to the Chapter 1 districts, although in this election the number of districts that exceeded the statewide 46 percent vote for the Republican candidate declines from 44 to 40 under the new plan.

A more nuanced view examines the increase or decrease in the majority party's projected vote in the new Chapter 1 plan. The projected Republican vote increases in 45 districts, decreases in 41, and remains unchanged in 14. The extent of change is marginal in a majority of districts. Sixty-two districts change by two percent or less, with small projected Republican gains in 22, losses in 26, and no change in 14. Only 16 districts change by five percent or more. The Republican percent increases in nine districts (Districts 12, 23, 27, 58, 59, 64, 70, 74, and 97,) range from five to nine percent. Decreases in seven districts (Districts 2, 4, 19, 22, 52, 55, and 71) range from five to 12 percent. The same general effect is present when the 2008 Presidential election is analyzed. The projected Republican percent of the vote increases in 50 Chapter 1 districts, decreases in 49 districts, and is the same in one district. Sixty-two of the districts change by two percent or less, while 20 are changed by five percent of more. The Republican vote increases between five

percent and nine percent in 11 of the Chapter 1 districts (Districts 23, 27, 42, 51, 58, 59, 64, 70, 74, 93, and 97) and decreases between five percent and 15 percent in nine districts (Districts 2, 4, 10, 13, 19, 20, 22, 52, and 53).

The projected Republican vote actually decreases under Chapter 1 in three of the five open districts, and the pattern is similar in the paired districts.

Projected Republican Vote, Open and Paired Districts

	2009 Governor		2008 President	
	Current Plan	Chapter 1	Current Plan	Chapter 1
Open District				
2	65%	58%	57%	42%
10	66%	62%	59%	49%
18	68%	67%	56%	56%
87	56%	59%	43%	44%
93	53%	55%	38%	43%
Paired District				
4	73%	68%	65%	60%
16	68%	64%	59%	55%
29	71%	71%	58%	58%
94	60%	62%	48%	49%
100	59%	57%	47%	45%

Incumbency was a consideration in redistricting and one incumbent resides in each of 90 of the 100 districts under Chapter 1. Five districts are open seats as a result of pairing two incumbents in each of five districts. Of the paired incumbents, two districts pair two Democrat incumbents, one pairs two Republicans,

and two pair a Democrat and a Republican. (The placement of two Republicans in District 29 is a technical pairing, since Delegate Athey announced his retirement before a redistricting plan was introduced. This is listed as a pairing in order to indicate the source of open District 18, Athey's current district.) The accompanying Table summarizes the incumbency pairs and open districts under Chapter 1.

Incumbency Pairs and Open Districts:
House of Delegates

Paired District	Incumbency Pairs	Open District
4	Phillips (D), Johnson (D)	2
16	Armstrong (D), Merricks (R)	10
29	Athey (R)*, Sherwood (R)	18
94	Abbott (D), Oder (R)	93
100	Miller, P. J. (D), Lewis (D)	87

*Announced retirement on March 29, 2011

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Commonwealth of Virginia

STATEMENT OF ANTICIPATED MINORITY IMPACT

The current redistricting plan includes 12 House of Delegates districts in which African-Americans constitute a majority of the total and voting age population. Table 5.1 lists these districts and presents information relating to demographic changes in the districts between 2000 and 2010 and the effect of Chapter 1 on the minority total and voting age percentages in these districts. Chapter 1 complies with the requirements of Section 5 of the United States Voting Rights Act by retaining the 12 districts as minority majority districts with minority total and voting age population percentages comparable to those of the districts at the time they were enacted.

Minority Population Trends

Virginia's African-American population increased from 1,390,293 to 1,551,399 between 2000 and 2010, a growth rate of 11.6 percent and a percentage change from 19.6 percent to 19.4 percent of the total population. Under the 2010 Census option of identifying oneself by more than one race, the total number who identified as African-American only or as African-American and some other combination was 1,653,563 or 20.7 percent of the total population. (The data used by the General Assembly in redistricting allocated those who included White as part of their multiple race identity to the minority race group. The data used in the following analysis are based on this allocation.)

The African-American population grew at a slower rate than the overall state average (11.6 percent compared to 13 percent). The attached analysis by the Weldon Cooper Center for Public Service of the

University of Virginia succinctly summarizes the patterns of growth of the African-American population throughout the decade. Briefly, the distribution of African-Americans in Virginia has been relatively constant during the last decade, with the African-American population being concentrated in the eastern half of the state. However, in the case of Virginia's 12 majority African-American districts, most of the districts experienced growth rates in the African-American population well below the state average or, in a few cases, actually lost African-American population over the decade, with only two districts exceeding the state average.

These patterns are reflected in the statistics for the current House districts and had implications for drawing the new districts. As Table 5.1 demonstrates, below average growth or, in a few cases, actual population declines, left 10 of the 12 majority minority districts significantly below ideal district size. Nine of these 10 districts that are below ideal district size are well outside the judicially recognized population deviation tolerances and the tolerances adopted by the House Privileges and Elections Committee and the current District 77 is well outside the tolerances adopted by the House Privileges and Elections Committee. Only two of the current majority minority districts matched or exceeded the overall state average growth rate (District 70 grew at a rate of slightly less than 13 percent and District 74 grew at a rate of 13.5 percent) and are both within the judicially recognized population deviation tolerances and the tolerances adopted by the House Privileges and Elections Committee.

Like in 2000, the most dramatic change in Virginia's demographic base, mirroring national patterns, was

the increase in Hispanic population. The Hispanic population increased from 4.7 percent of the state population in 2000 to 7.9 percent in 2010, representing a gain of over 302,285 people and a growth rate of 91.7 percent. While virtually every locality showed some growth in Hispanic population, the majority of that population is concentrated in Northern Virginia. Over one-quarter of the total Hispanic population is in Fairfax County, and the adjoining localities also show significant percentages of Hispanic people.

Six current House districts contain more than 20 percent Hispanic population and two contain more than 30 percent, all of which are located in Northern Virginia. Chapter 1 contains seven House districts with more than 20 percent Hispanic population and one district with more than 30 percent, all of which are located in Northern Virginia.

Asians make up 5.5 percent of Virginia's population, up from 3.7 percent, and increasing from 261,025 to 439,890 between 2000 and 2010 at a growth rate of 68.5 percent. The Asian population is most heavily concentrated in Northern Virginia. The population tends to be fairly evenly distributed throughout the region rather than concentrated, however. Thirteen current House districts contain more than 10 percent Asian population and seven contain more than 20 percent, with 18 of the districts located in Northern Virginia. Of the other two districts, one district (District 21) is located in Virginia Beach and the other (District 72) is located primarily in Henrico County.

Chapter 1 contains 11 House districts with more than 10 percent Asian population and nine districts with more than 20 percent Asian population. Nineteen of these districts are located in Northern Virginia

and the other one (District 21) is located primarily in Virginia Beach.

Majority African-American Districts

The current House of Delegates plan contains 12 districts with majority African-American total and voting age populations (see Table 5.1). Chapter 1 retains each of these districts as majority minority districts, although the total and voting age minority percentage is reduced in half of the districts because of the demographic trends over the last decade. The districts for the most part are centered in central city areas, although District 75 is a rural district and District 74 is more of a suburban-rural district.

As Table 5.1 shows, most of the 12 districts experienced growth rates well below the state average or, in a few cases, actually lost population over the decade. The result is that 11 districts are below population deviation standards by 2000 Census numbers, and most are significantly outside the judicially recognized population deviation tolerances and the tolerances adopted by the House Privileges and Elections Committee. Six of the 12 districts are more than 10 percent below ideal, ranging from -10.9 percent to -15.2 percent underpopulated, and three more of the 12 districts are more than 7 percent below ideal. Only one district (District 74) is actually above the population deviation standards by 2000 census numbers. The total population deficit for the 12 districts equaled 79,167 or 99 percent of an ideal House district. The concentration of African-American population also became heavier in half of the districts over the decade.

The African-American total and voting age percentages of five of the 12 districts are reduced in Chapter 1, compared to the 2000 Census composition of the

current districts, as a result of necessarily rearranging and adding population from adjoining precincts and localities with lower minority populations, while the African-American total and voting age percentages for the remaining seven districts are increased in Chapter 1. Despite these increases or reductions, the minority population percentages for most of the current districts are generally comparable to Chapter 1 and the minority population percentages of the districts of Chapter 1 remain generally comparable to those in the districts when the current plan was created. Table 5.3 shows the additions to and subtractions from the 12 districts.

Under the Chapter 1 plan, none of the seats are open and none of the current incumbents representing these districts have been paired with any other incumbent.

African-American Influence Districts

After Virginia received final preclearance for its redistricting plan in 2001, eight other House districts included 30 percent or more African-American total population. They were current Districts 11, 14, 23, 60, 61, 79, 93, and 100. Table 5.2 summarizes data for these districts. The 2010 Census data reveal that demographic trends over the decade dropped District 100 slightly below the 30 percent mark while African-Americans increased to 30 percent total population in District 46 and 29.8 percent total population in District 52. In all, the 2010 Census data thus placed 10 current districts (including District 52) in the 30 percent or over African-American total population category.

Six of the 10 districts (Districts 11, 14, 52, 60, 61, and 79) remain as 30 percent or more total minority

population districts in Chapter 1, and two of the 10 districts (Districts 46 and 100) are slightly below the 30 percent mark, though both districts have at least 29 percent African-American total population. District 93 drops to the mid-20 percent range as a result of the districting adjustments made through the Peninsula areas. District 23 drops to 16.5 percent as a result of districting adjustments made through Districts 22 and 23. (The total population in District 22 increases from 12.8 percent to 22.2 percent.)

Creation of a Majority Multi-Minority District

As noted previously, the growth of the Hispanic component was the most dramatic change in Virginia's population over the last decade. Additionally, there was significant growth in Virginia's Asian population. Both the Asian and the Hispanic population were most concentrated in Northern Virginia, however none of the racial and ethnic groups was sufficiently concentrated in a reasonably compact area to create a majority district on its own.

The current plan established for the first time a multi-minority majority district, District 49. At the time this district was established, the total population of the district was 41.3 percent Hispanic, 19.4 percent Non-Hispanic African-American, 9.4 percent Asian, 27.2 percent Non-Hispanic White, and 2.7 Non-Hispanic Other. However, the White population of District 49 increased to 50.3 percent during the course of the decade and, under Chapter 1, the District 49 will have 53 percent White population.

Chapter 1 does, however, establish a new multi-minority majority district, District 52. District 52, like District 49, is located in Northern Virginia and is roughly along the 1-95 corridor in Prince William

County. The total population of the district is 29.2 percent Hispanic, 30.3 percent Non-Hispanic African-American, 7.7 percent Asian, 30.8 percent Non-Hispanic White, and two percent Non-Hispanic Other.

Alternative Plans

In addition to Chapter 1, two alternative plans were presented to the General Assembly.

The first alternative plan, House Bill 5002, was introduced by Delegate Robert H. Brink. The districts in House Bill 5002 were drawn by University of Richmond students and was one of the winning plans the in Virginia College and University Redistricting Competition. Tables 5.1 and 5.2 include the relevant information with regard to the anticipated impact of House Bill 5002. Briefly, House Bill 5002 like Chapter 1 retained the 12 districts with a majority African-American total population, although the configurations of the districts were different. However, the House Bill 5002 district percentages for the total and voting age minority populations are on average 5.9 percent less than those in Chapter 1. In five districts, the African-American voting age population is less than 50 percent.

House Bill 5002 contains 11 districts with African-American populations of 30 percent or more (including District 22 with a population of 29.6 percent and District 46 with a population of 29.7 percent) compared with the eight districts in Chapter 1. In a majority of instances, the two plans feature similar districts with minimal differences in percentages between them. Table 5.2 shows the districts that are over 30 percent minority in House Bill 5002 in relation to Chapter 1.

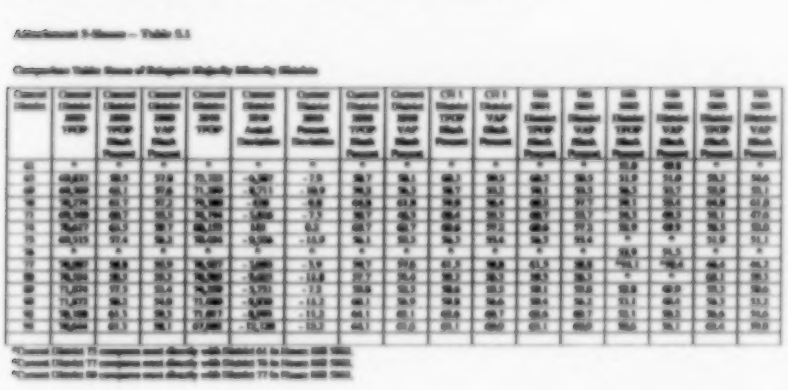
The second alternative plan, House Bill 5003, was introduced by Delegate Joseph D. Morrissey. Tables 5.1 and 5.2 include the relevant information with regard to the anticipated impact of House Bill 5003. Briefly, House Bill 5003 contains 11 districts with a majority African-American total population, although the configurations of the districts were different, with one district (District 77) dropping to 46.4 percent African-American total population. However, the House Bill 5003 district percentages for the total and voting age minority populations are on average 3.7 percent less than those in Chapter 1. In two districts, the African-American voting age population is less than 50 percent.

House Bill 5003 contains 13 districts with African-American populations of 30 percent or more (including District 23 with a population of 29.5 percent) compared with the eight districts in Chapter 1. In a majority of instances, the two plans feature similar districts with minimal differences in percentages between them. Table 5.2 shows the districts that are over 30 percent minority in House Bill 5003 in relation to Chapter 1.

Finally, House Bill 5001 was introduced by Delegate S. Chris Jones. This bill ultimately passed the General Assembly but was vetoed by Governor Robert McDonnell on April 15, 2011. House Bill 5001 and Chapter 1 are virtually identical with respect to the House districts, with the only differences being that Chapter 1 rejoins several precincts that had been split in House Bill 5001 and makes a few other relatively minor adjustments. Thus, House Bill 5001 cannot be considered a true alternative to Chapter 1. However, these adjustments do result in some changes to the African-American population in the 12 majority

minority districts and Tables 5.1 and 5.2 include the relevant information with regard to the impact of House Bill 5001. All African-American members of the House of Delegates and the Senate voted affirmatively for the passage of House Bill 5001.

No alternative plans were proposed by the NAACP, the ACLU, or any other group purporting to represent the interests of minority voters. Four of the All five incumbent Democratic minority Senators representing the majority minority districts voted affirmatively for the passage of House Bill 5005/Chapter 1 as amended to include the Senate plan; Senator Locke did not vote on final passage. Additionally, all House members of the Legislative Black Caucus voted affirmatively for the passage of House Bill 5005/Chapter 1 after it was amended to include the Senate plan and was referred back to the House, with the exception of Delegate Jeion A. Ward, who voted against the bill; Delegate Roslyn C. Tyler, who was not present but who voted against House Bill 5005 as it left the House; and Delegates Roslyn R. Dance and Luke E. Torian, who did not vote on final passage but who voted for House Bill 5005 as it left the House.



Attachment 5-Shaw — Table 5.2

Comparison Table: Shaw at Bolingbroke Alternate Election ZIP Layered Within Another ZIP

Current District	Current District 2020 TPOP	Current District 2020 TPOP Black Percent	Current District 2020 VAP Black Percent	Current District 2010 TPOP	Current District Actual Deviation	Current District Percent Deviation	Current District TPOP Black Percent	Current District VAP Black Percent	CD 1 District TPOP Black Percent	CD 1 District VAP Black Percent	CD [illegible] District TPOP Black Percent	CD [illegible] District VAP Black Percent	CD [illegible] District TPOP Black Percent	CD [illegible] District VAP Black Percent	CD [illegible] District TPOP Black Percent	CD [illegible] District VAP Black Percent
11	71,386	34.9	31.3	72,088	-4,412	-5.7	33.1	33.7	34.2	33.1	34.2	34.1	33.8	33.7	33.8	33.4
55	71,081	36.1	34.3	64,752	-11,748	-15.4	46.3	37.7	36.4	34.3	36.4	34.1	45.7	33.1	36.3	34.7
20	*	*	*	*	*	*	*	*	*	*	*	*	39.6	36.3	*	*
23	65,102	36.3	33.9	80,286	789	1.1	39.1	37.0	36.3	34.0	36.3	34.9	39.4	36.3	39.3	36.1
27	*	*	*	*	*	*	*	*	*	*	*	*	*	*	39.9	37.7
31	*	*	*	*	*	*	*	*	*	*	*	*	45.7	39.8	*	*
46	66,944	29.6	23.1	71,235	-3,779	-5.0	36.9	35.5	36.6	33.7	36.6	33.7	39.1	36.7	36.8	35.5
50	71,116	33.2	33.2	66,234	-8,780	10.8	39.9	38.3	31.6	36.3	31.6	40.3	27.6	36.7	31.8	31.3
60	70,240	34.8	34.9	72,145	-1,864	-2.6	35.1	33.7	34.3	33.2	34.3	33.3	44.7	40.0	33.9	31.4
63	66,100	30.6	30.3	70,400	-3,580	-28.7	36.4	35.4	34.3	33.3	34.3	33.3	*	*	33.8	33.3
65	*	*	*	*	*	*	*	*	*	*	*	*	35.4	33.1	33.8	33.1
73	*	*	*	*	*	*	*	*	*	*	*	*	33.1	33.2	*	*
76	*	*	*	*	*	*	*	*	*	*	*	*	*	*	35.5	33.7
79	71,478	36.3	33.1	72,966	-4,362	-5.7	33.4	36.4	33.4	36.5	33.4	36.3	33.8	33.3	36.3	36.8
88	*	*	*	*	*	*	*	*	*	*	*	*	44.1	43.8	*	*
91	65,400	33.8	36.1	73,284	-4,980	-6.3	36.9	33.5	34.9	33.6	34.9	33.6	*	*	*	*
93	*	*	*	*	*	*	*	*	*	*	*	*	*	*	33.9	33.1
96	*	*	*	*	*	*	*	*	*	*	*	*	*	*	33.9	33.1
100	70,138	33.9	30.7	71,178	-4,636	-5.8	39.2	38.1	39.7	37.6	39.7	37.6	*	*	*	*

* Current District 10 assigns most directly with District 10 in Shaw 108 plan.

^Shaw 102 1992 District 20 is comprised of parts of current Districts 22, 59, and 68.

^Shaw 102 1992 District 31 is comprised of parts of current Districts 32 and 52.

^Shaw 102 1992 District 68 is comprised of parts of current Districts 5, 11, 65, and 84.

^Shaw 102 1992 District 42 is comprised of parts of current Districts 43, 76, and 97.

^Shaw 102 1992 District 73 is comprised of parts of current Districts 62, 63, 64, and 73.

^Shaw 102 1992 District 99 is comprised of parts of current Districts 76, 77, 78, and 99.

^Shaw 102 1992 District 67 is comprised of parts of current Districts 67 and 75.

^Shaw 102 1992 District 78 is comprised of parts of current Districts 74 and 77.

^Shaw 102 1992 District 96 is comprised of parts of current Districts 91, 94, and 96.

Attachment 5-House – Table 5.3

House of Delegates Majority Minority District Changes

District 63 – Additions	Hopewell (part)	+ 7,376
	Prince George County (part)	+ 8,387
Subtractions	part of Dinwiddie	- 9,884
		79,603
District 69 – Additions	more of Richmond	+ 20,085
Subtractions	part of Chesterfield County	- 11,798
		79,386
District 70 – Additions	more of Chesterfield County	+ 23,812
Subtractions	part of Richmond	- 22,014
	part of Henrico County	- 1,796
		79,382
District 71 – Additions	more of Richmond	+ 654
	more of Henrico County	+ 5,474
		80,122
District 74 – Additions	more of Henrico County	+ 6,241
Subtractions	part of Richmond	- 214
	remainder of Prince George County (split precinct with 0 population removed from District 74)	- 0
	remainder of Hopewell	- 6,580
		79,594
District 75 – Additions	remainder of Brunswick County	+ 3,680
	Dinwiddie County (part)	+ 9,884
	Surry County (part)	+ 684
	more of Isle of Wight County	+ 43
	more of Lunenburg County	+ 1,943
Subtractions	part of Franklin	- 2,305
	part of Southampton County	- 3,647
	part of Sussex County	- 1,644
		79,295

District 77 – Additions	more of Chesapeake	+ 1,948
	more of Suffolk	+ 752
		79,627
District 80 – Additions	Suffolk (part)	+ 13,439
	more of Chesapeake	+ 3,832
	more of Portsmouth	+ 7,137
Subtractions	part of Norfolk	- 14,288
		80,705
District 89 – Additions	more of Norfolk	+ 5,355
		79,614
District 90 – Additions	more of Norfolk	+ 4,436
	more of Virginia Beach	+ 20,117
Subtractions	remainder of Chesapeake	- 15,198
		80,425
District 92 – Additions	more of Hampton	+ 8,672
		79,689
District 95 – Additions	more of Newport News	+ 27,334
	part of Hampton	- 15,135
		80,071

Attachment 5-House

COMMONWEALTH

HOUSE OF DELEGATES
RICHMOND

Redistricting Facts

What is redistricting?

Redistricting is the process of drawing new electoral district boundaries. After the federal government conducts the every-ten-year census to count the U.S. population, district boundaries for the state legislatures and the U.S. House of Representatives are changed to reflect population changes within the state. Redistricting also unfolds at the local level as localities redraw the political boundaries for county supervisors, city and town councils, school boards, and other elected bodies.

What is reapportionment?

Reapportionment also occurs every 10 years and it is the process by which congressional seats are reallocated among the 50 states based on population. Currently, Virginia has 11 seats in the U.S. House of Representatives. Population estimates indicate that Virginia will continue to have 11 seats after reapportionment.

Who is responsible for redistricting in Virginia?

The Constitution of Virginia gives the General Assembly responsibility for redistricting congressional and legislative districts. Any redistricting plan takes the form of a bill. Like any other piece of legislation in the General Assembly, it may be introduced by any member in either the House of Delegates or the Senate, it must be passed by both chambers, and it

must be signed by the Governor to become law. Both the House and Senate have a Committee on Privileges and Elections which has jurisdiction over redistricting and other voting-related legislation.

What factors are considered by the General Assembly when crafting a redistricting plan?

United States Constitution

The U.S. Constitution, as interpreted by federal courts, requires that congressional districts have virtually equal population to implement the "one person, one vote" principle. When they were drawn in 2001, the current congressional districts in Virginia varied by only 38 persons — a statistical deviation of 0.00% from the mathematical ideal population (the ideal population is simply the total population of Virginia divided by the number of districts).

Constitution of Virginia

The Constitution of Virginia, as well as the U.S. Constitution, requires that districts provide representation in proportion to population, although courts have not applied this rule as strictly to state legislative districts as they have to congressional districts. In 2001, legislative districts were drawn within a range of -2% to +2%, an overall range of about 4% from the mathematical ideal.

The Virginia Constitution further requires that every electoral district be "contiguous and compact."

Voting Rights Act of 1965

The federal Voting Rights Act of 1965 imposes other requirements on redistricting to prohibit the

adoption of a plan that would have the effect of denying or abridging the right to vote for racial and language minorities. Since Virginia is a covered jurisdiction, its redistricting plan must be precleared by the U.S. Department of Justice to ensure that it does not reduce the opportunity of minorities to participate in the political process and to elect representatives of their choice.

Other Criteria

The respective Committees on Privileges and Elections in the Virginia House of Delegates and the Senate of Virginia expect to adopt criteria that set forth these and additional factors for consideration. In 2001, other factors included the adoption of only single-member districts and the preservations of communities of interest.

What is the timeline for redistricting in 2011?

The precise timetable for redistricting in 2011 is unknown at this time, but the new districts must be ready in advance of the November 2011 elections for the House of Delegates. In 2001, the General Assembly adjourned its Regular Session without acting on redistricting, but convened a special session on the date of adjournment and recessed until April. After receiving census data in early March and conducting public hearings during late March and April, the General Assembly passed legislative redistricting plans that were signed by the Governor in late April and submitted to the U.S. Department of Justice for preclearance, which was granted in July. Congressional redistricting plans were passed by the General Assembly in July and granted preclearance in October. After delayed primaries

in August, statewide and legislative elections took place on time in November 2001.

Sample Redistricting Timeline

The 2011 timeline for redistricting is uncertain at this time. However, the following guide is based on statutory deadlines and Virginia's experience in 2001. Again, the guide below has not been approved.

April 1, 2010 — Census Day

Fourth Quarter, 2010—Census Bureau releases geographic data, including the areas (Census Blocks, Tracts, Cities and Counties) by which Census data will be tabulated.

December 31, 2010—Census Bureau reports official population of each state to the President for reapportionment (how many seats each state will have in the U.S. House of Representatives)

First Quarter, 2011—Census Bureau provides Virginia with detailed population data tabulated for each Census Block.

Second Quarter, 2011—General Assembly meets to pass House of Delegates and Senate redistricting plans.

—Plans submitted to U.S. Department of Justice for preclearance under the Voting Rights Act *Third Quarter, 2011—General* Assembly meets to pass congressional redistricting plan.

—Plans receive Voting Rights Act clearance and become effective.

—Primary elections held for Virginia House of Delegates and Senate of Virginia

—*November 8, 2011*—*General* Election for House of Delegates and Senate

—*November 6,* 2012—General Election for U.S. House of Representatives

How can I get more information on redistricting in Virginia?

For more on redistricting in Virginia, including hearing dates, information on the submission of written comments, and population data as it becomes available, please visit http://dlsgis.state.va.us/.

Source: Division of Legislative Services

Last Updated: September 2010

Memorandum

To: Interested Individuals, Groups & Organizations
From: The Honorable Mark L. Cole
Chairman, Committee on Privileges and Elections
Virginia House of Delegates
Date: September 8, 2010
Re: Written Statements Submitted to the House Redistricting Subcommittee

On August 23, 2010, I announced that the Redistricting Subcommittee of the Virginia House of Delegates Committee on Privileges and Elections has scheduled a series of six public hearings throughout the Commonwealth to encourage public input into the redistricting process. The six different public hearings will take place in September, October and December of this year in preparation for the redistricting process that will occur in 2011.

Persons attending a public hearing who desire to speak may register in advance by contacting Scott Maddrea, Deputy Clerk, Virginia House of Delegates at the address below.

Persons who cannot attend a public hearing, but desire to submit written comments to the Subcommittee may send them via e-mail, fax or regular mail to:

Scott Maddrea, Deputy Clerk, Committee Operations
Virginia House of Delegates
State Capitol
P.O. Box 406
Richmond, Virginia 23218
Email: smaddrea@house.virginia.gov
Fax: (804) 692-0621 Telephone: (804) 698-1540
DISTRICT: (540) 752-8200
RICHMOND: (804) 698-1088
EMAIL DelMCole@house.virginia.gov

VIRGINIA'S REGIONS

Introduction to Virginia's Regions

8 Regional Profiles

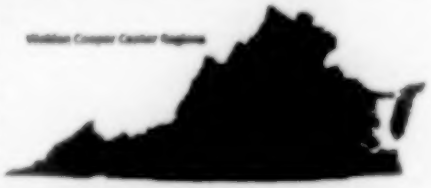
- Central Virginia
- Eastern Virginia
- Hampton Roads
- Northern Virginia
- Richmond Region
- Southside Virginia
- Southwest Virginia
- Valley Region

List of Localities by Region

Introduction to Virginia's Regions

To provide a more accurate picture of how Virginia is changing, demographers at the University of Virginia's Weldon Cooper Center for Public Service have defined eight regional profiles based on the 2010 Census and American Community Survey data. The profiles include information on population size and change over the past 10 years; age, race, and ethnicity of the population; educational attainment; incomes and poverty; and labor force participation and employment.

"Understanding Virginia's regional differences is important in designing and providing programs and services to address the varying needs of Virginians across the commonwealth," said Qian Cai, director of the Cooper Center's Demographics & Workforce group. "Statewide statistics are driven by trends in Northern Virginia and obscure the realities of other parts of the state. For example, eight localities in Southside Virginia lost population in the last ten years, while Northern Virginia experienced a 26% growth rate. Five percent of households in Northern Virginia fall below the poverty line in contrast to nineteen percent in Southwest Virginia."



Nearly one-third of Virginia's population lives in Northern Virginia, while the bulk of the commonwealth's land mass is in Southside, Southwest and the Valley regions. As a result, population density ranges from a low of 36 persons per square mile in Southside to a high of 938 persons per square mile in Northern Virginia.

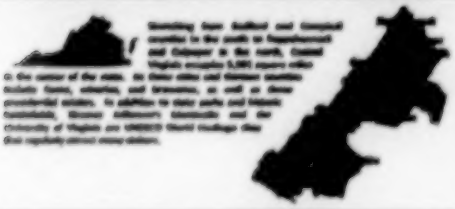
In addition, American Community Survey data allow annual updating of the socioeconomic characteristics of each region, which often demonstrate dramatic differences.

"For example, one of the characteristics we examined was educational attainment," said Rebecca Tippett, author of the regions study. "While Virginia has a higher percentage of adults with a bachelor's degree or more education than the national average, this is actually because of high educational attainment in the Richmond and Northern Virginia regions. The remaining six regions are below the national average."

Using data reflecting shared economic conditions, such as cost of living, and commonly accepted geographical boundaries, the Cooper Center's eight regions are the Valley, Southwest, Southside, Central, Northern, Richmond, Eastern and Hampton Roads.

Regional Profile: Central Virginia

Stat Chat



Population Trends, 2000-2010

Population Growth

Race and Ethnicity in Central Virginia

Regional Profile: Central Virginia

Stat Chat

Educational Attainment, Adults 25-64

Labor Force Participation

Income and Poverty

Regional Profile: Eastern Virginia

Stat Chat

Population Trends 2000-2010

Race and Ethnicity in Eastern Virginia

Experiencing Natural Decrease

Regional Profile: Eastern Virginia

Stat Chat

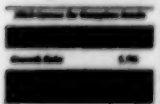
Educational Attainment, Adults 25-64

Income and Poverty

Labor Force Participation

REGIONAL PROFILE: HAMPTON ROADS — Stat Chat

Population Trends, 2000-2010



Race and Ethnicity in Hampton Roads

Net Outward Migration

REGIONAL PROFILE: HAMPTON ROADS — Stat Chat

Educational Attainment, Adults 25-64

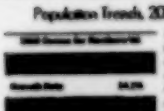
Income and Poverty

Labor Force Participation

Regional Profile: Northern Virginia

Stat Chat

Population Trends, 2000-2010



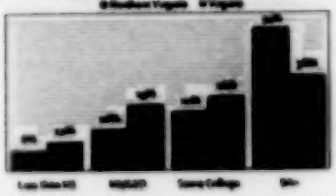
Race and Ethnicity in Northern Virginia

A Population Boom

Regional Profile: Northern Virginia

Stat Chat

Educational Attainment, Adults 25-64



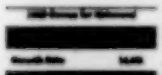
Labor Force Participation

Income and Poverty

REGIONAL PROFILE: RICHMOND Attachment 1-Flyer Stat Chat

Stretching from Prince George and Hanover counties in the north to Powhatan County in the south, the Richmond region's four cities and ten counties cover 3,478 square miles in east central Virginia. With the state capital and a large stretch of the I-95 corridor, the Richmond region has several Fortune 500 corporations and many government offices. The region is home to one of Virginia's largest public universities, Virginia Commonwealth University in Richmond, as well as two historically black universities: Virginia State University in Petersburg and Virginia Union in Richmond.

Population Trends, 2000-2010



One of three major urban centers in the state, the Richmond region has nearly 13% of the state's total population. The region experienced [redacted] growth since 2000, growing at a faster rate than all but the Central and Northern Virginia regions. Between 2000 and 2010, the Richmond region gained nearly 150,000 persons; this growth accounts for 10% of Virginia's total population growth since 2000.

A Growing Population

All localities except Petersburg experienced population growth between 2000 and 2010.

- One-third of this growth came from Hanover, while one-fifth was from migration.
- Hanover and Chesterfield had the largest absolute population changes since 2000, growing by 41,000 and 19,000, respectively.
- Of the region's 14 localities, New Kent had the highest growth rate: 27%. Migration generated 93% of this growth.

Race and Ethnicity in the Richmond Region

Over the last decade, the Richmond region's white population declined from 61% of total population to 58%, while the region's Asian population nearly doubled and the Hispanic population grew by almost 200%.

- Between 2000 and 2010, the Hispanic population more than doubled in all but two localities.
- Hanover had the largest population proportion Asian in the region: 7%.
- Chesterfield had the largest concentration of Hispanics in the region: 7%.
- Hanover had the fastest growing Hispanic population [2,000], while Charles City County had the fastest growing Asian population [+59%].

REGIONAL PROFILE: RICHMOND Attachment 1-Flyer Stat Chat

Educational Attainment, Adults 25-64

Educational attainment among the Richmond region's working age population (adults ages 25-64) mirrors the distribution of educational attainment at the state level. Compared to the other seven regions, Richmond has:

- The third lowest percentage of adults without a high school diploma, slightly higher than the Northern Virginia and Hampton Roads.
- The second highest percentage of adults with a bachelor's degree or higher. Of the eight regions, only the Northern Virginia has a higher proportion of adults with a college degree.

Labor Force Participation

Labor force statistics for the Richmond region show:

- Unemployment rose 7.5% to 2009, equal to Virginia's unemployment rate (7.5%) and less than the national average (9.7%).
  - Hanover had the lowest unemployment rate (6.3%) while Petersburg had the highest (13.7%).
- Finance, insurance, and real estate industries employ 16% of the labor force in the Richmond region, a much larger percentage than are employed in these industries at the state and national levels.

Income and Poverty

- Median household income varies substantially across localities in the region.
  - Petersburg City has the lowest median household income: less than $31,000.
  - Hanover County has the highest median household income: nearly $71,000.
- Eleven percent of households fall below the poverty line in the Richmond region, 1% [illegible] the statewide poverty rate of 10%.
- Some [illegible] of households receive food stamps.

In addition, [illegible] of households in the Richmond region do not have adequate finances to meet their regular expenditures, such as housing, food, and transportation, without help from governmental programs, family and friends, or local organizations. While not unlike its counterparts in Northern Virginia, Richmond [illegible] significantly higher rates of living assistance in other regions.

Despite their [illegible] and vulnerability, [illegible] from the 2009 and 2010 Census, [illegible] 2010 unemployment rate was [illegible] of Labor Statistics found that unemployment rapidly. [illegible] rate is [illegible] from a [illegible] 2009 study. [illegible] Community Survey [illegible] U.S. Census Bureau.

[redacted]

Regional Profile: Southside Virginia

Stat Chat

Population Trends, 2000-2010

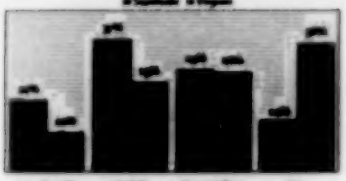
Experiencing Natural Decrease

Race and Ethnicity in Southside Virginia

Regional Profile: Southside Virginia

Stat Chat

Educational Attainment, Adults 25-64



Income and Poverty

Labor Force Participation

REGIONAL PROFILE: SOUTHWEST VIRGINIA

Stat Chat

Race and Ethnicity in Southwest Virginia

Population Trends, 2000-2010

Experiencing Natural Decrease

REGIONAL PROFILE: SOUTHWEST VIRGINIA

Stat Chat

Educational Attainment, Adults 25-64

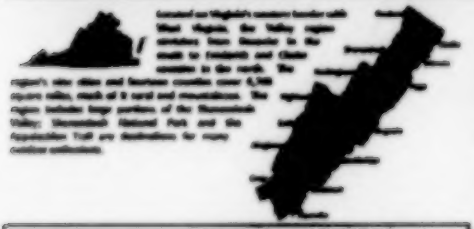
Income and Poverty

Labor Force Participation

REGIONAL PROFILE: THE VALLEY

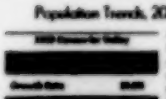
Attachment 5-Hixon

Stat Chat



Located on Virginia's western border with West Virginia, the Valley region stretches from Roanoke in the south to Frederick and Clarke counties in the north. The region's nine cities and fourteen counties cover 6,700 square miles, much of it rural and mountainous. The region includes large portions of the Shenandoah Valley, Shenandoah National Park and the Appalachian Trail are destinations for many outdoor enthusiasts.

Population Trends, 2000-2010



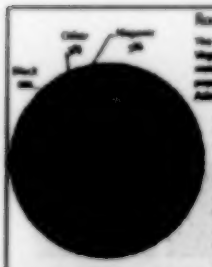
As a region, the Valley grew less over the past decade than the state as a whole (12% vs. 13%). The Valley region gained 75,000 persons between 2000 and 2010. This growth accounts for 3% of Virginia's total population growth.

Population Growth

Eighteen of the Valley's 23 localities had population increases over the past decade.

- Migration looked the majority of the growth (64%).
- Frederick had the largest absolute growth, gaining 15,200 persons, and the highest growth rate 32%.
  - [illegible] greater than 30% growth, Winona, Shenandoah, and Harrisonburg all grew faster than the state's total population.
- Highland, the least populous locality in the state, had the highest percent population loss in the Valley region. Since 2000, Highland County has seen more than 200 persons, or 6% decline.

Race and Ethnicity in the Valley Region



The Valley region is one of the least diverse regions in Virginia. Its population is 84% white compared to 69% statewide. Like the state, the Valley's white and black populations grew very little over the past decade while Asian and Hispanic populations grew more rapidly.

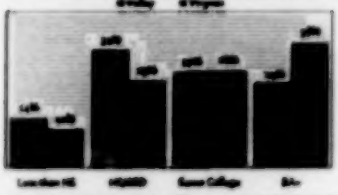
- Between 2000 and 2010, the Hispanic population increased by all localities, the Asian population increased in all but one.
- Frederick, Harrisonburg, and Roanoke City each gained 1,000 Hispanics.
- Harrisonburg has one of the highest concentrations of Hispanics in the state: 9.6% of its population.
- Roanoke County had the largest increase in Asian population in the region, gaining more than 1,000.

REGIONAL PROFILE: THE VALLEY

Attachment 5-Hixon

Stat Chat

Educational Attainment, Adults 25-64



Educational attainment among the Valley's working age population (adults ages 25-64) differs from educational attainment of the state level. The Valley region has:

- A higher percentage of adults who only completed high school, compared to the state.
- The second highest percentage of adults with only a high school diploma or GED among Virginia's eight regions.
- A lower percentage of adults with a bachelor's degree or higher, compared to the state.

Labor Force Participation

Labor force statistics for Valley show:

- Unemployment rose 3.3% in 2000, lower than Virginia's unemployment rate (7.3%) and the national average (9.7%).
  - Rockingham had the lowest unemployment rate (5.8%) while Page had the highest (13.9%).
- Fifty-two percent of workers commute less than 30 minutes to work in the Valley, the highest percentage of short commutes times for all eight regions.

Income and Poverty

- Nearly a quarter of the Valley's households earn less than $25,000 per year.
- Twelve percent of households fall below the poverty line in the Valley, higher than the statewide poverty rate of 10%.
- Seven percent of households receive food stamps.

In addition, 37% of Valley region households do not have adequate income to meet their regular expenditures, such as housing, food, and transportation, without help from government programs, family and friends, or local organizations.

[illegible]

[illegible]

2010 Census Brief:

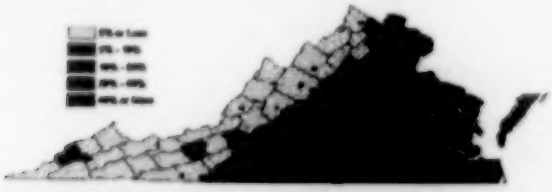
Spotlight on Virginia's African American Population

February 22 - The United States Census Bureau recently released local level 2010 Census population counts, including data on race. This brief provides a snapshot of Virginia's black and African American population on April 1, 2010:

- **Black/African American remains the largest minority group in Virginia. More than 1.5 million Virginia residents reported themselves to be black or African American, accounting for nearly 20 percent of the total population.**
- **The distribution of the black population across the commonwealth has been relatively stable over the past three decades. Blacks are concentrated in the Eastern half of the state while the Valley and Southwest regions have much smaller black populations.**

- Norfolk and Richmond have the largest black populations (exceeding 100,000), while Petersburg city has the largest percentage of blacks (79 percent). Richmond lost nearly 10,000 (or 8.6 percent) of its black population between 2000 and 2010, the largest decease in the commonwealth.

Percent of Population That Is Black or African American, April 1, 2010



Top Five Localities with the Largest Number of Black Residents		Top Five Localities with the Largest Percentage of Black Residents	
Norfolk City	104,672	Petersburg City	79.1%
Richmond City	103,342	Emporia City	62.5%
Fairfax County	99,210	Greensville County	59.0%
Henrico	90,669	Sussex County	58.1%
Virginia Beach City	85,935	Brunswick County	57.3%

This is one of a series of Census Briefs prepared by the Demographics & Workforce Group of the University of Virginia's Weldon Cooper Center for Public Service. For more information and related data tables, visit our website at www.cooper center.org/ demographics.

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U.Va. Assesses 2010 Census Data on Virginia's Asian Population

March 2, 2011 -The latest census brief from the University of Virginia's Weldon Cooper Center for Public Service highlights census data on people of Asian origin living in Virginia.

The center continues its efforts to make 2 010 U.S. Census results, released last month, more accessible and user-friendly.

- As of April 1, 2010, almost 440,000 Virginia residents were Asian, accounting for 5.5 percent of the total population. This constitutes a 69 percent increase since 2 000.
- Nine out of every 10 Asians lived in Virginia's three major metropolitan areas: Northern Virginia (71 percent), Hampton Roads (13 percent) and Richmond (9 percent). High concentrations of Asians were also found in college and university communities such as Charlottesville, Williamsburg, Harrisonburg and Lynchburg cities and York, Montgomery, Albemarle and Roanoke counties.
- More than two-thirds of Virginia's Asians were U.S. citizens: 28 percent were native citizens; 40 percent were born outside of the U.S. and naturalized; and 32 percent were foreign-born non- citizens.
- The top five birth countries of Virginia's foreign-born Asians were India, Korea, Philippines, Vietnam and China.

Birthplaces of Virginia's Asian Population, April 1, 2010

Localities with the Largest Number of Asian Residents		Localities with the Largest Percentage of Asian Residents	
Fairfax Co.	189,661	Fairfax Co.	17.5%
Loudoun	46,033	Fairfax city	15.2%
Prince William	30,317	Loudoun	14.7%
Virginia Beach	26,769	Arlington	9.6%
Henrico	20,052	Falls Church	9.4%

This is one of a series of Census Briefs prepared by the Demographics & Workforce Group of the Cooper Center. For information and related data tables, visit its website at www.coopercenter.org/ demographics.

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U.Va. Assesses 2010 Census Data on Virginia's Hispanic Population

February 16, 2011 Continuing efforts to make 2010 U.S. Census data more accessible and user-friendly, demographers at the University of Virginia's Weldon Cooper Center for Public Service have assessed the data on recently released local-level 2010 population counts, including data on people of Hispanic origin living in Virginia.

Here are highlights of Virginia's Hispanic population as of April 1, 2010:

- More than 630,000 Virginia residents were of Hispanic origin, accounting for nearly 8 percent of the total population. This constitutes a 92 percent increase since 2000.

- Sixty-two percent of the commonwealth's Hispanics live in Northern Virginia. At the same time, areas such as Culpeper, James City and Orange counties and Suffolk city, which had few Hispanics in 2000, now have sizable Hispanic populations.

- Fifty-three percent of Hispanics in Virginia are native citizens. Thirteen percent of Hispanics were born abroad and became naturalized citizens of the U.S.; and 34 percent of Hispanics are foreign-born non-citizens.

- Most of Virginia's foreign-born Hispanics were born in El Salvador, Mexico, Peru, Bolivia and Guatemala.

Percent of Population That Is Hispanic, April 1, 2010

Localities with the Largest Number of Hispanic Residents		Localities with the Largest Percentage of Hispanic Residents	
Fairfax Co.	168,482	Manassas Park city	32.5%
Prince William Co.	81,460	Manassas city	31.4%
Loudoun Co.	38,576	Prince William Co.	20.3%
Arlington Co.	31,382	Alexandria city	16.1%
Virginia Beach city	28,987	Fairfax city	15.8%

This is one of a series of Census Briefs prepared by the Demographics & Workforce Group of the Cooper Center. For information and related data tables, visit its website at www.coopercenter.org/ demographics.

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U.Va. Assesses 2010 Census Data on Virginia's Multi-Racial Population

March 9, 2011 -Continuing their efforts to make 2010 U.S. Census data more accessible and user-friendly, demographers at the University of Virginia's Weldon Cooper Center for Public Service have assessed the data on recently released local-level 2010 population counts, including data on people of two or more races living in Virginia.

"The 2010 Census data reflects increasing diversity in the country, and in Virginia," said Qian Cai, director of the Cooper Center's Demographics & Workforce group. "This year, with redistricting under way in Virginia, current information on racial and ethnic heritage is of particular importance for insuring fairness in defining districts."

Here are highlights of Virginia's multi-race population as of April 1, 2010:

- More than 233,000 Virginia residents, or 2.9 percent of the population, reported that they belong to two or more of the six race categories counted in the federal census: white; black or African-American; American Indian and Alaska native; Asian; Native Hawaiian and other Pacific Islander; or some other race. (Note: People of Hispanic origin may be of any race. Hispanic ethnicity is reported in response to a different census question.)
- This is an increase from the 2000 census - the first year in which people could identify themselves as

multi-racial - when 2 percent of the population reported that they belonged to two or more races.

- Most multi-racial Virginians reported belonging to just two races; only about 19,000 people reported belonging to three or more. Of the biracial Virginians, 29 percent reported being white and black; 28 percent white and Asian; and the remainder other combinations of the six race categories.
- Multi-racial Virginians tend to live in metropolitan areas, particularly Northern Virginia and Hampton Roads. Manassas Park has the highest percentage of multi-racial residents at 5.4 percent.

Localities with the Largest Number of Multi-Race Residents		Localities with the Largest Percentage of Multi-Race Residents	
Fairfax County	43,915	Manassas Park city	5.4%
Prince William	20,580	Prince William County	5.1%
Virginia Beach	17,656	Manassas City	4.3%
Loudoun County	12,575	Newport News	4.3%
Norfolk	8,825	Fairfax County	4.1%

This is one of a series of Census Briefs prepared by the Demographics & Workforce Group of the Cooper Center. For information and related data tables, visit its website at www.coopercenter.org/ demographics.

HB 5005 Passed 4/28/11, House Plan

Population Totals

DISTRICT	Total Population	Target	Difference	Deviation
1	80,508	80,010	498	0.6%
2	79,491	80,010	-519	-0.6%
3	80,583	80,010	573	0.7%
4	80,446	80,010	436	0.5%
5	80,600	80,010	590	0.7%
6	79,608	80,010	-402	-0.5%
7	80,146	80,010	136	0.2%
8	80,685	80,010	675	0.8%
9	80,574	80,010	564	0.7%
10	80,617	80,010	607	0.8%
11	80,132	80,010	122	0.2%
12	80,492	80,010	482	0.6%
13	80,579	80,010	569	0.7%
14	79,407	80,010	-603	-0.8%
15	80,630	80,010	620	0.8%
16	79,692	80,010	-318	-0.4%
17	80,631	80,010	621	0.8%
18	79,450	80,010	-560	-0.7%
19	80,080	80,010	70	0.1%
20	79,334	80,010	-676	-0.8%
21	79,608	80,010	-402	-0.5%
22	79,307	80,010	-703	-0.9%
23	79,330	80,010	-680	-0.9%
24	79,678	80,010	-332	-0.4%

25	80,011	80,010	1	0.0%
26	80,688	80,010	678	0.8%
27	79,381	80,010	-629	-0.8%
28	79,304	80,010	-706	-0.9%
29	79,851	80,010	-159	-0.2%
30	80,583	80,010	573	0.7%
31	79,210	80,010	-800	-1.0%
32	80,268	80,010	258	0.3%
33	80,550	80,010	540	0.7%
34	80,722	80,010	712	0.9%
35	80,213	80,010	203	0.3%
36	79,746	80,010	-264	-0.3%
37	80,255	80,010	245	0.3%
38	80,758	80,010	748	0.9%
39	80,710	80,010	700	0.9%
40	80,729	80,010	719	0.9%
41	80,792	80,010	782	1.0%
42	79,964	80,010	-46	-0.1%
43	80,750	80,010	740	0.9%
44	80,796	80,010	786	1.0%
45	80,240	80,010	230	0.3%
46	80,333	80,010	323	0.4%
47	80,757	80,010	747	0.9%
48	79,492	80,010	-518	-0.6%
49	80,609	80,010	599	0.7%
50	80,677	80,010	667	0.8%
51	80,372	80,010	362	0.5%
52	79,290	80,010	-720	-0.9%

53	80,049	80,010	39	0.0%
54	80,155	80,010	145	0.2%
55	79,578	80,010	-432	-0.5%
56	79,271	80,010	-739	-0.9%
57	80,778	80,010	768	1.0%
58	80,767	80,010	757	0.9%
59	79,345	80,010	-665	-0.8%
60	79,219	80,010	-791	-1.0%
61	79,792	80,010	-218	-0.3%
62	79,677	80,010	-333	-0.4%
63	79,602	80,010	-408	-0.5%
64	79,262	80,010	-748	-0.9%
65	79,364	80,010	-646	-0.8%
66	79,397	80,010	-613	-0.8%
67	79,633	80,010	-377	-0.5%
68	79,611	80,010	-399	-0.5%
69	79,386	80,010	-624	-0.8%
70	79,382	80,010	-628	-0.8%
71	80,322	80,010	312	0.4%
72	80,764	80,010	754	0.9%
73	80,135	80,010	125	0.2%
74	79,594	80,010	-416	-0.5%
75	79,295	80,010	-715	-0.9%
76	80,313	80,010	303	0.4%
77	79,627	80,010	-383	-0.5%
78	80,475	80,010	465	0.6%
79	80,243	80,010	233	0.3%
80	80,705	80,010	695	0.9%

81	79,438	80,010	-572	-0.7%
82	80,463	80,010	453	0.6%
83	79,538	80,010	-472	-0.6%
84	80,281	80,010	271	0.3%
85	80,800	80,010	790	1.0%
86	80,747	80,010	737	0.9%
87	79,275	80,010	-735	-0.9%
88	80,191	80,010	181	0.2%
89	79,614	80,010	-396	-0.5%
90	80,425	80,010	415	0.5%
91	79,229	80,010	-781	-1.0%
92	79,689	80,010	-321	-0.4%
93	79,211	80,010	-799	-1.0%
94	79,429	80,010	-581	-0.7%
95	80,071	80,010	61	0.1%
96	79,217	80,010	-793	-1.0%
97	79,386	80,010	-624	-0.8%
98	79,251	80,010	-759	-0.9%
99	80,332	80,010	322	0.4%
100	80,037	80,010	27	0.0%

(See foldout next page)

HB 5005 Passed 4/28/11, House Plan
Racial Demographics

DISTRICT	Total Population	White	%	Black	% Black	AIAN	% AIAN	Asian	% Asian	HawPI	% HawPI	Other	% Other	Multi	% Multi	Total Hispanic	% Hispanic
1	80,508	76,238	94.7%	2,866	3.6%	463	0.6%	358	0.4%	36	0.0%	449	0.6%	98	0.1%	1,032	1.3%
2	79,491	45,289	57.0%	20,362	25.6%	694	0.9%	5,596	7.0%	183	0.2%	6,208	7.8%	1,157	1.5%	14,019	17.6%
3	80,583	77,178	95.8%	2,400	3.0%	324	0.4%	417	0.5%	23	0.0%	170	0.2%	71	0.1%	471	0.6%
4	80,446	77,768	96.7%	1,655	2.1%	327	0.4%	284	0.4%	15	0.0%	351	0.4%	46	0.1%	833	1.0%
5	80,600	76,060	94.4%	2,580	3.2%	393	0.5%	343	0.4%	33	0.0%	1,058	1.3%	133	0.2%	2,219	2.8%
6	79,608	76,371	95.9%	1,790	2.2%	378	0.5%	297	0.4%	14	0.0%	679	0.9%	79	0.1%	1,348	1.7%
7	80,146	74,108	92.5%	3,612	4.5%	406	0.5%	1,303	1.6%	32	0.0%	518	0.6%	165	0.2%	1,636	2.0%
8	80,685	74,011	91.7%	3,652	4.5%	436	0.5%	1,722	2.1%	32	0.0%	675	0.8%	155	0.2%	1,556	1.9%
9	80,574	69,709	86.5%	8,389	10.4%	425	0.5%	362	0.4%	28	0.0%	1,557	1.9%	101	0.1%	2,349	2.9%
10	80,617	60,681	75.5%	7,376	9.1%	489	0.6%	6,817	8.5%	64	0.1%	4,421	5.5%	569	0.7%	9,800	12.2%
11	80,132	47,632	59.4%	27,648	34.5%	420	0.5%	1,596	2.0%	56	0.1%	2,261	2.8%	519	0.6%	4,734	5.9%
12	80,492	70,200	87.2%	3,863	4.8%	424	0.5%	5,015	6.2%	52	0.1%	689	0.9%	249	0.3%	1,959	2.4%
13	80,579	48,642	60.4%	11,369	14.1%	634	0.8%	8,593	10.7%	94	0.1%	10,388	12.9%	859	1.1%	20,063	24.9%
14	79,407	47,862	60.3%	28,920	36.4%	342	0.4%	634	0.8%	27	0.0%	1,379	1.7%	243	0.3%	2,407	3.0%
15	80,630	75,913	94.1%	1,904	2.4%	517	0.6%	465	0.6%	31	0.0%	1,627	2.0%	153	0.2%	3,386	4.2%
16	79,692	54,827	68.8%	22,358	28.1%	372	0.5%	437	0.5%	18	0.0%	1,491	1.9%	189	0.2%	2,628	3.3%
17	80,631	71,273	88.4%	5,839	7.2%	410	0.5%	2,111	2.6%	56	0.1%	737	0.9%	205	0.3%	2,059	2.6%
18	79,450	69,073	86.9%	6,396	8.1%	644	0.8%	1,288	1.6%	63	0.1%	1,750	2.2%	236	0.3%	4,292	5.4%
19	80,080	73,564	91.9%	5,114	6.4%	507	0.6%	466	0.6%	31	0.0%	299	0.4%	109	0.1%	1,019	1.3%
20	79,334	69,268	87.3%	7,495	9.4%	432	0.5%	667	0.8%	42	0.1%	1,200	1.5%	230	0.3%	2,580	3.3%
21	79,606	45,467	57.1%	20,209	25.4%	516	0.6%	10,340	13.0%	136	0.2%	1,798	2.3%	1,122	1.4%	5,567	7.0%
22	79,307	59,135	74.6%	17,584	22.2%	425	0.5%	1,166	1.5%	40	0.1%	659	0.8%	299	0.4%	1,773	2.2%
23	79,330	62,083	78.3%	13,129	16.5%	520	0.7%	2,185	2.8%	43	0.1%	1,034	1.3%	336	0.4%	2,087	2.6%
24	79,678	70,684	88.7%	6,873	8.6%	796	1.0%	590	0.7%	50	0.1%	500	0.6%	185	0.2%	1,424	1.8%
25	80,011	73,736	92.2%	3,153	3.9%	361	0.5%	1,202	1.5%	17	0.0%	1,414	1.8%	128	0.2%	2,893	3.6%
26	80,688	67,806	84.0%	4,085	5.1%	506	0.6%	2,338	2.9%	78	0.1%	5,542	6.9%	331	0.4%	9,906	12.3%
27	79,381	56,899	71.7%	15,961	20.1%	612	0.8%	3,006	3.8%	76	0.1%	2,223	2.8%	604	0.8%	5,022	6.3%
28	79,304	56,206	70.9%	15,873	20.0%	772	1.0%	2,555	3.2%	119	0.2%	3,012	3.8%	767	1.0%	7,076	8.9%
29	79,851	68,575	85.9%	5,482	6.9%	529	0.7%	1,318	1.7%	41	0.1%	3,606	4.5%	300	0.4%	6,597	8.3%
30	80,583	62,914	78.1%	12,893	16.0%	607	0.8%	1,060	1.3%	83	0.1%	2,667	3.3%	359	0.4%	5,030	6.2%
31	79,210	50,345	63.6%	16,867	21.3%	788	1.0%	5,459	6.9%	180	0.2%	4,661	5.9%	910	1.1%	11,324	14.3%
32	80,268	65,736	69.4%	6,514	8.1%	379	0.5%	14,332	17.9%	76	0.1%	2,533	3.2%	696	0.9%	7,420	9.2%
33	80,550	70,393	87.4%	4,466	5.5%	477	0.6%	2,800	3.5%	75	0.1%	1,985	2.5%	354	0.4%	5,090	6.3%
34	80,722	61,693	76.4%	2,920	3.6%	286	0.4%	13,316	16.5%	79	0.1%	1,987	2.5%	441	0.5%	5,819	7.2%
35	80,213	53,780	67.0%	4,175	5.2%	376	0.5%	18,124	22.6%	84	0.1%	3,122	3.9%	552	0.7%	8,037	10.0%
36	79,746	53,210	66.7%	7,677	9.6%	453	0.6%	14,093	17.7%	55	0.1%	3,598	4.5%	660	0.8%	8,819	11.1%

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Racial Demographics

DISTRICT	Total Population	White	% White		% Black	AIAN	% AIAN	Asian	% Asian	HawPI	% HawPI	Other	% Other	Multi	% Multi	Total Hispanic	% Hispanic
37	80,255	47,377	59.0%	6,773	8.4%	487	0.6%	20,703	25.8%	75	0.1%	4,142	5.2%	698	0.9%	10,555	13.2%
38	80,756	42,448	52.6%	8,220	10.2%	764	0.9%	16,430	20.3%	90	0.1%	12,070	14.9%	736	0.9%	25,694	31.8%
39	80,710	46,876	58.1%	7,970	9.9%	608	0.8%	17,106	21.2%	104	0.1%	7,296	9.0%	750	0.9%	15,374	19.0%
40	80,729	55,837	69.2%	5,581	6.9%	453	0.6%	15,153	18.8%	125	0.2%	2,995	3.7%	585	0.7%	7,868	9.7%
41	80,792	54,579	67.6%	5,080	6.3%	420	0.5%	16,675	20.6%	105	0.1%	3,396	4.2%	536	0.7%	9,941	12.3%
42	79,984	55,174	69.0%	8,666	10.8%	492	0.6%	12,522	15.7%	145	0.2%	2,260	2.8%	685	0.9%	7,461	9.3%
43	80,750	47,821	59.2%	14,789	18.3%	547	0.7%	11,263	13.9%	117	0.1%	5,415	6.7%	798	1.0%	12,611	15.6%
44	80,796	44,799	55.4%	18,328	22.7%	631	0.8%	6,018	7.4%	123	0.2%	9,984	12.4%	913	1.1%	19,469	24.1%
45	80,240	59,905	74.7%	9,859	12.3%	610	0.8%	3,933	4.9%	94	0.1%	5,289	6.6%	550	0.7%	11,072	13.8%
46	80,333	41,531	51.7%	23,285	29.0%	484	0.6%	7,436	9.3%	112	0.1%	6,541	8.1%	945	1.2%	13,746	17.1%
47	80,757	61,673	76.4%	4,226	5.2%	702	0.9%	8,755	10.8%	101	0.1%	4,753	5.9%	547	0.7%	10,754	13.3%
48	79,492	63,919	80.4%	3,598	4.5%	372	0.5%	9,544	12.0%	73	0.1%	1,586	2.0%	402	0.5%	5,831	7.3%
49	80,609	42,754	53.0%	14,262	17.7%	734	0.9%	11,082	13.7%	145	0.2%	10,609	13.2%	1,023	1.3%	21,749	27.0%
50	80,677	50,040	62.0%	12,052	14.9%	687	0.9%	6,540	8.1%	143	0.2%	10,321	12.8%	894	1.1%	21,171	26.2%
51	80,372	55,264	68.8%	13,336	16.6%	791	1.0%	5,744	7.1%	148	0.2%	4,258	5.3%	829	1.0%	10,775	13.4%
52	79,290	33,564	42.3%	25,067	31.6%	1,042	1.3%	6,144	7.7%	128	0.2%	11,922	15.0%	1,423	1.8%	23,127	29.2%
53	80,049	48,549	60.6%	4,632	5.8%	604	0.8%	17,736	22.2%	59	0.1%	7,816	9.8%	654	0.8%	16,791	21.0%
54	80,155	58,394	72.8%	15,091	18.8%	609	0.8%	2,436	3.0%	137	0.2%	2,865	3.6%	621	0.8%	6,404	8.0%
55	79,578	63,245	79.5%	13,351	16.8%	658	0.8%	1,120	1.4%	54	0.1%	787	1.0%	363	0.5%	2,068	2.6%
56	79,271	62,858	79.3%	10,006	12.6%	421	0.5%	5,022	6.3%	51	0.1%	608	0.8%	306	0.4%	1,904	2.4%
57	80,778	55,937	69.2%	14,615	18.1%	513	0.6%	6,584	8.2%	70	0.1%	2,590	3.2%	469	0.6%	5,761	7.1%
58	80,767	71,271	88.2%	5,948	7.4%	453	0.6%	1,601	2.0%	38	0.0%	1,214	1.5%	242	0.3%	2,569	3.2%
59	79,345	61,136	77.1%	16,314	20.6%	458	0.6%	561	0.7%	50	0.1%	596	0.8%	230	0.3%	1,436	1.8%
60	79,219	50,287	63.5%	27,103	34.2%	439	0.6%	440	0.6%	25	0.0%	669	0.9%	236	0.3%	1,407	1.8%
61	79,792	50,089	62.8%	27,384	34.3%	537	0.7%	422	0.5%	30	0.0%	1,030	1.3%	300	0.4%	2,085	2.6%
62	79,677	52,025	65.3%	20,686	26.0%	720	0.9%	2,339	2.9%	139	0.2%	3,164	4.0%	604	0.8%	6,076	7.6%
63	79,602	28,243	35.5%	48,039	60.3%	440	0.6%	823	1.0%	85	0.1%	1,361	1.7%	611	0.8%	3,111	3.9%
64	79,262	57,100	72.0%	19,728	24.9%	563	0.7%	886	1.1%	55	0.1%	563	0.7%	367	0.5%	1,582	2.0%
65	79,364	64,601	81.4%	11,248	14.2%	383	0.5%	2,222	2.8%	38	0.0%	576	0.7%	296	0.4%	1,834	2.3%
66	79,397	60,026	75.6%	14,125	17.8%	539	0.7%	2,507	3.2%	75	0.1%	1,621	2.0%	505	0.6%	3,767	4.7%
67	79,633	53,298	66.9%	4,756	6.0%	328	0.4%	17,683	22.2%	128	0.2%	3,015	3.8%	425	0.5%	7,838	9.8%
68	79,611	69,144	86.9%	6,073	7.6%	353	0.4%	2,825	3.5%	46	0.1%	876	1.1%	292	0.4%	2,383	3.0%
69	79,366	24,416	30.8%	46,579	58.7%	467	0.6%	1,481	1.9%	89	0.1%	5,600	7.1%	754	0.9%	8,424	10.6%
70	79,382	23,130	29.1%	46,844	59.0%	662	0.8%	1,502	1.9%	84	0.1%	6,262	7.9%	898	1.1%	10,086	12.7%
71	80,322	26,832	33.4%	48,476	60.4%	360	0.4%	3,167	3.9%	49	0.1%	670	0.8%	768	1.0%	1,937	2.4%
72	80,764	59,396	73.5%	11,381	14.1%	417	0.5%	6,962	8.6%	45	0.1%	2,110	2.6%	453	0.6%	4,603	5.7%

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Racial Demographics

DISTRICT	Total Population	White	% White		% Black	AIAN	% AIAN	Asian	% Asian	HawPI	% HawPI	Other	% Other	Multi	% Multi	Total Hispanic	% Hispanic
73	80,135	56,596	70.6%	11,784	14.7%	416	0.5%	7,807	9.7%	55	0.1%	2,934	3.7%	561	0.7%	6,074	7.6%
74	79,594	26,427	33.2%	48,211	60.6%	1,012	1.3%	1,746	2.2%	58	0.1%	1,403	1.8%	737	0.9%	2,784	3.5%
75	79,295	32,792	41.4%	44,635	56.3%	348	0.4%	326	0.4%	30	0.0%	871	1.1%	293	0.4%	1,733	2.2%
76	80,313	54,860	68.3%	21,093	26.3%	519	0.6%	2,568	3.2%	81	0.1%	885	0.9%	507	0.6%	2,419	3.0%
77	79,627	26,586	33.4%	48,940	61.5%	538	0.7%	1,268	1.6%	99	0.1%	1,445	1.8%	751	0.9%	3,516	4.4%
78	80,475	60,719	75.5%	13,832	17.2%	587	0.7%	3,772	4.7%	112	0.1%	889	1.1%	564	0.7%	3,408	4.2%
79	80,243	48,264	60.1%	25,207	31.4%	819	1.0%	2,655	3.3%	193	0.2%	1,701	2.1%	1,404	1.7%	5,690	7.1%
80	80,705	28,912	35.8%	47,836	59.3%	524	0.6%	1,468	1.8%	150	0.2%	1,003	1.2%	793	1.0%	2,720	3.4%
81	79,438	58,121	73.2%	15,414	19.4%	756	1.0%	2,706	3.4%	139	0.2%	1,625	2.0%	678	0.9%	4,525	5.7%
82	80,463	66,726	82.9%	8,314	10.3%	587	0.7%	2,693	3.3%	138	0.2%	1,446	1.8%	560	0.7%	4,252	5.3%
83	79,536	58,152	73.1%	13,407	16.9%	717	0.9%	4,392	5.5%	150	0.2%	1,966	2.5%	754	0.9%	5,196	6.5%
84	80,291	62,357	65.2%	17,161	21.4%	598	0.7%	7,049	8.8%	228	0.3%	1,997	2.5%	891	1.1%	6,168	7.7%
85	80,800	53,934	66.8%	16,822	20.8%	711	0.9%	6,348	7.9%	172	0.2%	1,914	2.4%	899	1.1%	5,317	6.6%
86	80,747	46,400	57.5%	6,804	8.4%	545	0.7%	17,169	21.3%	72	0.1%	8,969	11.1%	788	1.0%	17,163	21.3%
87	79,275	44,093	55.6%	7,083	8.9%	437	0.6%	21,108	26.6%	83	0.1%	5,696	7.2%	773	1.0%	11,761	14.8%
88	80,191	60,158	75.0%	12,389	15.4%	590	0.7%	2,631	3.3%	122	0.2%	3,649	4.6%	652	0.8%	7,188	9.0%
89	79,614	27,929	35.1%	46,678	58.6%	490	0.6%	2,208	2.8%	106	0.1%	1,259	1.6%	946	1.2%	3,585	4.5%
90	80,425	25,163	31.3%	48,097	59.8%	551	0.7%	3,422	4.3%	128	0.2%	1,866	2.3%	1,178	1.5%	4,873	6.1%
91	79,229	56,058	70.8%	16,426	20.7%	657	0.8%	3,840	4.8%	148	0.2%	1,273	1.6%	825	1.0%	3,591	4.5%
92	79,689	25,037	31.4%	49,849	62.6%	610	0.8%	1,675	2.1%	99	0.1%	1,042	1.3%	1,377	1.7%	3,430	4.3%
93	79,211	51,530	65.1%	19,753	24.9%	551	0.7%	4,006	5.1%	195	0.2%	2,225	2.8%	951	1.2%	5,723	7.2%
94	79,429	53,848	67.8%	18,342	23.1%	671	0.8%	3,036	3.8%	151	0.2%	2,417	3.0%	964	1.2%	5,773	7.3%
95	80,071	23,721	29.6%	50,522	63.1%	567	0.7%	1,834	2.3%	127	0.2%	1,913	2.4%	1,387	1.7%	5,035	6.3%
96	79,217	62,756	79.2%	11,559	14.6%	515	0.7%	2,648	3.3%	97	0.1%	1,149	1.5%	494	0.6%	3,357	4.2%
97	79,386	67,533	85.1%	8,709	11.0%	991	1.2%	1,232	1.6%	45	0.1%	575	0.7%	301	0.4%	1,606	2.0%
98	79,251	63,155	79.7%	13,524	17.1%	837	1.1%	731	0.9%	46	0.1%	654	0.8%	304	0.4%	1,870	2.4%
99	80,332	56,801	70.7%	20,397	25.4%	687	0.9%	763	0.9%	45	0.1%	1,286	1.6%	353	0.4%	2,971	3.7%
100	80,037	50,150	62.7%	23,768	29.7%	836	1.0%	1,646	2.1%	173	0.2%	2,868	3.6%	596	0.7%	6,573	8.2%

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Voting Age Population

DISTRICT	Voting Age Population	VAP White	% VAP	VAP Black	% VAP Black	VAP AIAN	% VAP AIAN	VAP Asian	% VAP Asian	VAP HawPI	% VAP HawPI	VAP Other	% VAP Other	VAP Multi	% VAP Multi	Voting Age Hispanic	% VAP Hispanic
1	64,221	60,648	94.4%	2,482	3.9%	392	0.6%	266	0.4%	22	0.0%	334	0.5%	77	0.1%	754	1.2%
2	56,163	33,408	59.5%	13,686	24.4%	467	0.8%	3,894	6.9%	127	0.2%	3,999	7.1%	582	1.0%	8879	15.8%
3	64,745	62,065	95.9%	1,932	3.0%	267	0.4%	321	0.5%	20	0.0%	97	0.1%	43	0.1%	327	0.5%
4	64,196	62,070	96.7%	1,370	2.1%	263	0.4%	197	0.3%	7	0.0%	247	0.4%	41	0.1%	541	0.8%
5	64,337	61,274	95.2%	1,725	2.7%	313	0.5%	257	0.4%	25	0.0%	669	1.0%	74	0.1%	1353	2.1%
6	62,988	60,788	96.5%	1,231	2.0%	302	0.5%	212	0.3%	12	0.0%	402	0.6%	41	0.1%	813	1.3%
7	64,401	59,855	92.9%	2,606	4.0%	331	0.5%	1,123	1.7%	30	0.0%	339	0.5%	117	0.2%	1137	1.8%
8	63,206	58,658	92.8%	2,522	4.0%	341	0.5%	1,154	1.8%	22	0.0%	432	0.7%	79	0.1%	1012	1.6%
9	64,142	56,131	87.5%	6,385	10.0%	341	0.5%	252	0.4%	25	0.0%	940	1.5%	68	0.1%	1388	2.2%
10	57,050	44,096	77.3%	4,953	8.7%	305	0.5%	4,422	7.8%	47	0.1%	2,931	5.1%	297	0.5%	6259	11.0%
11	62,356	39,559	63.4%	19,412	31.1%	353	0.6%	1,169	1.9%	36	0.1%	1,509	2.4%	318	0.5%	3146	5.0%
12	69,034	60,408	87.5%	3,084	4.5%	337	0.5%	4,401	6.4%	51	0.1%	555	0.8%	198	0.3%	1616	2.3%
13	58,290	36,735	63.0%	7,701	13.2%	461	0.8%	6,060	10.4%	64	0.1%	6,752	11.6%	497	0.9%	12956	22.2%
14	62,379	39,414	63.2%	21,270	34.1%	260	0.4%	457	0.7%	18	0.0%	812	1.3%	148	0.2%	1461	2.3%
15	62,907	59,663	95.2%	1,209	1.9%	392	0.6%	346	0.6%	24	0.0%	997	1.6%	76	0.1%	2048	3.3%
16	63,086	44,381	70.3%	17,101	27.1%	283	0.4%	300	0.5%	14	0.0%	898	1.4%	109	0.2%	1595	2.5%
17	63,578	57,265	90.1%	3,890	6.1%	317	0.5%	1,473	2.3%	35	0.1%	472	0.7%	124	0.2%	1309	2.1%
18	59,686	52,508	88.0%	4,602	7.7%	460	0.8%	847	1.4%	47	0.1%	1,096	1.8%	126	0.2%	2635	4.4%
19	62,844	58,171	92.6%	3,726	5.9%	368	0.6%	299	0.5%	20	0.0%	174	0.3%	86	0.1%	639	1.0%
20	62,717	55,842	89.0%	5,214	8.3%	330	0.5%	476	0.8%	30	0.0%	690	1.1%	135	0.2%	1608	2.6%
21	58,656	34,776	59.3%	13,997	23.9%	388	0.7%	7,696	13.1%	93	0.2%	1,185	2.0%	521	0.9%	3432	5.9%
22	61,467	47,057	76.6%	12,606	20.5%	341	0.6%	810	1.3%	29	0.0%	437	0.7%	187	0.3%	1179	1.9%
23	63,982	51,425	80.4%	9,563	14.9%	423	0.7%	1,574	2.5%	34	0.1%	754	1.2%	209	0.3%	1543	2.4%
24	64,424	57,333	89.0%	5,506	8.5%	587	0.9%	472	0.7%	38	0.1%	355	0.6%	133	0.2%	990	1.5%
25	61,585	57,373	93.2%	2,232	3.6%	262	0.4%	769	1.2%	13	0.0%	853	1.4%	83	0.1%	1717	2.8%
26	65,566	56,466	86.1%	2,921	4.5%	376	0.6%	1,932	2.9%	76	0.1%	3,588	5.5%	207	0.3%	6380	9.7%
27	58,961	43,713	74.1%	10,874	18.4%	445	0.8%	2,143	3.6%	54	0.1%	1,438	2.4%	314	0.5%	3189	5.4%
28	58,388	43,126	73.9%	10,643	18.2%	547	0.9%	1,771	3.0%	80	0.1%	1,855	3.2%	366	0.6%	4374	7.5%
29	61,320	53,930	87.9%	3,655	6.0%	384	0.6%	950	1.5%	32	0.1%	2,204	3.6%	165	0.3%	4035	6.6%
30	61,276	48,944	79.9%	9,268	15.1%	462	0.7%	710	1.2%	56	0.1%	1,651	2.7%	195	0.3%	3171	5.2%
31	56,743	37,294	65.7%	11,510	20.3%	506	0.9%	3,792	6.7%	124	0.2%	3,025	5.3%	492	0.9%	7182	12.7%
32	55,263	39,133	70.8%	4,398	8.0%	228	0.4%	9,364	16.9%	51	0.1%	1,704	3.1%	385	0.7%	4881	8.8%
33	57,140	50,780	88.9%	2,848	5.0%	324	0.6%	1,737	3.0%	51	0.1%	1,226	2.1%	174	0.3%	3123	5.5%
34	57,978	44,921	77.5%	2,037	3.5%	193	0.3%	9,219	15.9%	53	0.1%	1,291	2.2%	264	0.5%	3835	6.6%
35	62,743	42,985	68.5%	3,213	5.1%	259	0.4%	13,543	21.6%	73	0.1%	2,306	3.7%	364	0.6%	5932	9.5%
36	61,859	43,038	69.6%	5,383	8.7%	309	0.5%	10,240	16.6%	4[illegible]	0.1%	2,450	4.0%	390	0.6%	6069	9.8%

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Voting Age Population

DISTRICT	Voting Age Population	VAP White	% VAP	VAP Black	% VAP Black	VAP AIAN	% VAP AIAN	VAP Asian	% VAP Asian	VAP HawPI	% VAP HawPI	VAP Other	% VAP Other	VAP Multi	% VAP Multi	Voting Age Hispanic	% VAP Hispanic
37	63,460	38,998	61.4%	5,117	8.1%	366	0.6%	15,501	24.4%	57	0.1%	3,013	4.7%	426	0.7%	7714	12.2%
38	62,463	33,887	54.3%	5,892	9.4%	563	0.9%	12,849	20.6%	58	0.1%	8,707	13.9%	507	0.8%	18684	29.9%
39	61,870	37,283	60.3%	5,616	9.1%	437	0.7%	12,757	20.6%	76	0.1%	5,240	8.5%	461	0.7%	10921	17.7%
40	58,415	41,066	70.3%	3,843	6.6%	314	0.5%	10,719	18.3%	73	0.1%	2,085	3.6%	325	0.6%	5322	9.1%
41	60,765	41,973	69.1%	3,467	5.7%	283	0.5%	12,276	20.2%	71	0.1%	2,388	3.9%	307	0.5%	6992	11.5%
42	58,066	41,053	70.7%	5,682	9.8%	344	0.6%	9,044	15.6%	101	0.2%	1,498	2.6%	344	0.6%	4910	8.5%
43	62,318	38,605	61.9%	10,680	17.1%	398	0.6%	8,316	13.3%	89	0.1%	3,754	6.0%	476	0.8%	8829	14.2%
44	59,112	33,967	57.5%	12,991	22.0%	415	0.7%	4,367	7.4%	85	0.1%	6,707	11.3%	560	0.9%	12893	21.8%
45	67,692	51,797	76.5%	7,774	11.5%	501	0.7%	3,217	4.8%	79	0.1%	3,918	5.8%	406	0.6%	8358	12.3%
46	66,262	35,868	54.1%	18,343	27.7%	402	0.6%	6,127	9.2%	96	0.1%	4,771	7.2%	655	1.0%	10253	15.5%
47	68,384	53,109	77.7%	3,395	5.0%	550	0.8%	7,141	10.4%	76	0.1%	3,709	5.4%	404	0.6%	8449	12.4%
48	64,068	51,895	81.0%	2,962	4.6%	290	0.5%	7,347	11.5%	62	0.1%	1,204	1.9%	308	0.5%	4435	6.9%
49	66,373	36,838	55.5%	11,102	16.7%	585	0.9%	9,093	13.7%	109	0.2%	7,909	11.9%	737	1.1%	16346	24.6%
50	55,689	35,574	63.9%	7,997	14.4%	436	0.8%	4,492	8.1%	90	0.2%	6,642	11.9%	456	0.8%	13405	24.1%
51	58,448	41,641	71.2%	8,991	15.4%	559	1.0%	3,986	6.8%	98	0.2%	2,745	4.7%	428	0.7%	6847	11.7%
52	56,592	25,644	45.3%	17,180	30.3%	677	1.2%	4,428	7.8%	100	0.2%	7,818	13.8%	755	1.4%	14987	26.5%
53	62,827	39,121	62.3%	3,426	5.5%	451	0.7%	13,659	21.7%	51	0.1%	5,667	9.0%	452	0.7%	12306	19.6%
54	57,249	42,868	74.9%	10,139	17.7%	434	0.8%	1,632	2.9%	83	0.1%	1,797	3.1%	306	0.5%	3932	6.9%
55	59,680	47,737	80.0%	9,976	16.7%	459	0.8%	765	1.3%	31	0.1%	502	0.8%	208	0.3%	1335	2.2%
56	58,745	46,976	80.0%	7,644	13.0%	315	0.5%	3,233	5.5%	37	0.1%	350	0.6%	190	0.3%	1142	1.9%
57	68,024	48,829	71.8%	10,826	15.9%	397	0.6%	5,776	8.5%	62	0.1%	1,817	2.7%	328	0.5%	4207	6.2%
58	61,395	54,936	89.5%	4,240	6.9%	314	0.5%	1,056	1.7%	31	0.1%	693	1.1%	126	0.2%	1524	2.5%
59	62,208	48,415	77.8%	12,466	20.0%	360	0.6%	387	0.6%	38	0.1%	396	0.6%	146	0.2%	941	1.5%
60	62,712	41,036	65.4%	20,399	32.5%	349	0.6%	333	0.5%	22	0.0%	425	0.7%	148	0.2%	927	1.5%
61	63,280	40,447	63.9%	21,215	33.5%	411	0.6%	293	0.5%	18	0.0%	699	1.1%	197	0.3%	1421	2.2%
62	61,022	41,265	67.6%	14,988	24.6%	548	0.9%	1,729	2.8%	85	0.1%	2,062	3.4%	345	0.6%	3959	6.5%
63	61,404	22,534	36.7%	36,553	59.5%	327	0.5%	636	1.0%	56	0.1%	918	1.5%	380	0.6%	2045	3.3%
64	61,722	45,123	73.1%	14,961	24.2%	422	0.7%	628	1.0%	36	0.1%	347	0.6%	205	0.3%	975	1.6%
65	59,232	48,341	81.6%	8,666	14.6%	274	0.5%	1,425	2.4%	22	0.0%	353	0.6%	151	0.3%	1142	1.9%
66	58,534	45,692	78.1%	9,403	16.1%	373	0.6%	1,781	3.0%	68	0.1%	980	1.7%	247	0.4%	2278	3.9%
67	57,154	39,122	68.5%	3,270	5.7%	236	0.4%	12,121	21.2%	89	0.2%	2,056	3.6%	260	0.5%	5329	9.3%
68	63,752	55,904	87.7%	4,624	7.3%	271	0.4%	2,110	3.3%	33	0.1%	620	1.0%	190	0.3%	1691	2.7%
69	62,538	21,682	34.7%	34,514	55.2%	390	0.6%	1,284	2.1%	65	0.1%	4,074	6.5%	529	0.8%	6060	9.7%
70	58,664	19,204	32.7%	33,063	56.4%	493	0.8%	1,137	1.9%	59	0.1%	4,178	7.1%	522	0.9%	6670	11.4%
71	66,230	24,970	37.7%	36,658	55.3%	325	0.5%	3,069	4.6%	41	0.1%	566	0.9%	601	0.9%	1616	2.4%
72	62,008	46,792	75.5%	8,308	13.4%	292	0.5%	4,891	7.9%	36	0.1%	1,424	2.3%	266	0.4%	3084	5.0%

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Voting Age Population

DISTRICT	Voting Age Population	VAP White	% VAP	VAP Black	% VAP Black	VAP AIAN	% VAP AIAN	VAP Asian	% VAP Asian	VAP HawPI	% VAP HawPI	VAP Other	% VAP Other	VAP Multi	% VAP Multi	Voting Age Hispanic	% VAP Hispanic
73	63,116	45,965	72.8%	8,550	13.5%	310	0.5%	5,860	9.3%	34	0.1%	2,044	3.2%	363	0.6%	4196	6.6%
74	60,478	22,359	37.0%	34,617	57.2%	800	1.3%	1,306	2.2%	37	0.1%	926	1.5%	433	0.7%	1806	3.0%
75	63,445	26,977	42.5%	35,187	55.4%	270	0.4%	250	0.4%	23	0.0%	570	0.9%	166	0.3%	1128	1.8%
76	59,747	41,918	70.2%	15,023	25.1%	386	0.6%	1,701	2.8%	46	0.1%	424	0.7%	249	0.4%	1460	2.4%
77	57,841	21,046	36.4%	33,997	58.8%	386	0.7%	914	1.6%	59	0.1%	1,038	1.8%	401	0.7%	2231	3.9%
78	60,410	46,088	76.3%	10,355	17.1%	438	0.7%	2,599	4.3%	68	0.1%	578	1.0%	284	0.5%	2127	3.5%
79	66,796	41,472	62.1%	19,677	29.5%	682	1.0%	2,244	3.4%	162	0.2%	1,450	2.2%	1,109	1.7%	4676	7.0%
80	60,871	23,739	39.0%	34,268	56.3%	383	0.6%	1,165	1.9%	91	0.1%	755	1.2%	470	0.8%	1833	3.0%
81	59,833	44,792	74.9%	11,130	18.6%	560	0.9%	1,830	3.1%	97	0.2%	1,077	1.8%	347	0.6%	2880	4.8%
82	63,348	53,757	84.9%	5,786	9.1%	464	0.7%	1,932	3.0%	98	0.2%	993	1.6%	318	0.5%	2843	4.5%
83	62,816	47,638	75.8%	9,500	15.1%	539	0.9%	3,260	5.2%	106	0.2%	1,359	2.2%	416	0.7%	3476	5.5%
84	58,742	39,207	66.7%	12,012	20.4%	443	0.8%	5,126	8.7%	162	0.3%	1,333	2.3%	459	0.8%	3917	6.7%
85	62,188	43,120	69.3%	11,770	18.9%	534	0.9%	4,817	7.7%	136	0.2%	1,329	2.1%	482	0.8%	3512	5.6%
86	59,286	34,944	58.9%	4,930	8.3%	371	0.6%	12,153	20.5%	49	0.1%	6,349	10.7%	490	0.8%	12059	20.3%
87	55,787	32,124	57.6%	4,831	8.7%	295	0.5%	14,180	25.4%	66	0.1%	3,853	6.9%	438	0.8%	7895	14.2%
88	58,354	45,104	77.3%	8,248	14.1%	418	0.7%	1,794	3.1%	89	0.2%	2,361	4.0%	340	0.6%	4545	7.8%
89	61,070	23,417	38.3%	33,869	55.5%	394	0.6%	1,800	2.9%	93	0.1%	942	1.5%	555	0.9%	2515	4.1%
90	60,204	20,960	34.8%	34,069	56.6%	422	0.7%	2,668	4.4%	83	0.1%	1,333	2.2%	669	1.1%	3258	5.4%
91	59,281	43,142	72.8%	11,626	19.6%	481	0.8%	2,676	4.5%	101	0.2%	801	1.4%	454	0.8%	2231	3.8%
92	61,309	20,662	33.7%	37,224	60.7%	472	0.8%	1,285	2.1%	71	0.1%	767	1.3%	828	1.4%	2264	3.7%
93	62,539	42,610	68.1%	14,122	22.6%	422	0.7%	3,164	5.1%	137	0.2%	1,565	2.5%	519	0.8%	3916	6.3%
94	62,412	44,092	70.6%	13,120	21.0%	528	0.8%	2,360	3.8%	106	0.2%	1,699	2.7%	518	0.8%	3895	6.2%
95	59,017	19,542	33.1%	35,394	60.0%	431	0.7%	1,411	2.4%	92	0.2%	1,374	2.3%	773	1.3%	3300	5.6%
96	61,067	49,447	81.0%	8,373	13.7%	354	0.6%	1,826	3.0%	72	0.1%	725	1.2%	270	0.4%	2119	3.5%
97	60,024	51,473	85.8%	6,497	10.8%	714	1.2%	802	1.3%	30	0.0%	349	0.6%	159	0.3%	969	1.6%
98	62,740	50,614	80.7%	10,318	16.4%	624	1.0%	502	0.8%	36	0.1%	446	0.7%	200	0.3%	1205	1.9%
99	63,534	46,181	72.7%	15,274	24.0%	525	0.8%	520	0.8%	33	0.1%	804	1.3%	217	0.3%	1916	3.0%
100	63,027	41,380	65.7%	17,393	27.6%	648	1.0%	1,248	2.0%	122	0.2%	1,893	3.0%	343	0.5%	4247	6.7%

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Election Data

DISTRICT	Rep. Gov'09	Dem. Gov'09	Rep. Lt. Gov '09	Dem. Lt. Gov '09	Rep. Att. Gen. '09	Dem. Att. Gen. '09
1	74%	26%	75%	25%	74%	26%
2	58%	42%	55%	45%	56%	44%
3	70%	30%	70%	30%	68%	32%
4	68%	32%	69%	31%	67%	33%
5	74%	26%	75%	25%	74%	26%
6	72%	28%	71%	29%	71%	29%
7	65%	35%	63%	37%	65%	35%
8	67%	33%	65%	35%	67%	33%
9	68%	32%	66%	34%	67%	33%
10	62%	38%	61%	39%	60%	40%
11	44%	56%	44%	56%	46%	54%
12	51%	49%	50%	50%	51%	49%
13	61%	39%	59%	41%	59%	41%
14	62%	38%	62%	38%	62%	38%
15	74%	26%	71%	29%	71%	29%
16	64%	36%	63%	37%	64%	36%
17	67%	33%	65%	35%	67%	33%
18	67%	33%	65%	35%	66%	34%
19	62%	38%	63%	37%	65%	35%
20	66%	34%	67%	33%	67%	33%
21	61%	39%	55%	45%	59%	41%
22	70%	30%	69%	31%	70%	30%
23	70%	30%	69%	31%	70%	30%

24	63%	37%	64%	36%	65%	35%
25	68%	32%	68%	32%	69%	31%
26	70%	30%	70%	30%	70%	30%
27	65%	35%	62%	38%	65%	35%
28	64%	36%	62%	38%	61%	39%
29	71%	29%	69%	31%	68%	32%
30	68%	32%	65%	35%	67%	33%
31	60%	40%	58%	42%	59%	41%
32	62%	38%	59%	41%	60%	40%
33	66%	34%	65%	35%	65%	35%
34	57%	43%	55%	45%	53%	47%
35	49%	51%	46%	54%	43%	57%
36	42%	58%	39%	61%	39%	61%
37	53%	47%	51%	49%	50%	50%
38	44%	56%	42%	58%	41%	59%
39	50%	50%	47%	53%	47%	53%
40	65%	35%	63%	37%	62%	38%
41	53%	47%	50%	50%	50%	50%
42	58%	42%	55%	45%	55%	45%
43	45%	55%	43%	57%	43%	57%
44	46%	54%	44%	56%	43%	57%
45	37%	63%	35%	65%	35%	65%
46	37%	63%	34%	66%	34%	66%
47	33%	67%	31%	69%	31%	69%
48	40%	60%	38%	62%	37%	63%
49	32%	68%	31%	69%	31%	69%
50	63%	37%	60%	40%	61%	39%
51	62%	38%	59%	41%	60%	40%

52	46%	54%	43%	57%	44%	56%
53	42%	58%	40%	60%	39%	61%
54	66%	34%	64%	36%	63%	37%
55	68%	32%	66%	34%	68%	32%
56	71%	29%	68%	32%	70%	30%
57	35%	65%	32%	68%	34%	66%
58	66%	34%	63%	37%	65%	35%
59	67%	33%	66%	34%	67%	33%
60	62%	38%	63%	37%	64%	36%
61	66%	34%	65%	35%	67%	33%
62	67%	33%	64%	36%	66%	34%
63	41%	59%	40%	60%	42%	58%
64	66%	34%	64%	36%	65%	35%
65	73%	27%	70%	30%	73%	27%
66	75%	25%	72%	28%	74%	26%
67	58%	42%	56%	44%	56%	44%
68	64%	36%	61%	39%	63%	37%
69	23%	77%	22%	78%	24%	76%
70	31%	69%	30%	70%	32%	68%
71	19%	81%	20%	80%	21%	79%
72	66%	34%	63%	37%	65%	35%
73	66%	34%	63%	37%	65%	35%
74	34%	66%	33%	67%	35%	65%
75	49%	51%	48%	52%	50%	50%
76	64%	36%	60%	40%	63%	37%
77	34%	66%	33%	67%	35%	65%
78	70%	30%	66%	34%	69%	31%
79	49%	51%	45%	55%	47%	53%

80	34%	66%	32%	68%	34%	66%
81	67%	33%	62%	38%	66%	34%
82	67%	33%	60%	40%	65%	35%
83	63%	37%	57%	43%	61%	39%
84	64%	36%	59%	41%	63%	37%
85	64%	36%	58%	42%	62%	38%
86	53%	47%	50%	50%	50%	50%
87	59%	41%	57%	43%	57%	43%
88	68%	32%	66%	34%	66%	34%
89	28%	72%	25%	75%	28%	72%
90	35%	65%	32%	68%	34%	66%
91	67%	33%	62%	38%	64%	36%
92	31%	69%	29%	71%	30%	70%
93	55%	45%	52%	48%	53%	47%
94	62%	38%	58%	42%	59%	41%
95	34%	66%	32%	68%	34%	66%
96	68%	32%	64%	36%	66%	34%
97	78%	22%	75%	25%	77%	23%
98	69%	31%	66%	34%	67%	33%
99	66%	34%	63%	37%	65%	35%
100	57%	43%	54%	46%	56%	44%

LEGISLATIVE HISTORY OF 2011 VIRGINIA GENERAL ASSEMBLY REDISTRICTING PLANS

This Attachment provides a chronology that identifies the events, legislative actions, and proposals resulting in the enactment of House Bill 5005 as Chapter 1 of the Acts of Assembly (2011 Special Session I), signed by Governor Robert F. McDonnell on April 29, 2011 (hereafter Chapter 1). Chapter 1 contains the redistricting plans for the General Assembly, both the House of Delegates and Senate. Thus this legislative history and chronology describes the events culminating in the enactment of both plans.

The General Assembly began preparing for the decennial congressional and legislative reapportionment (commonly referred to as legislative redistricting) required by the Virginia Constitution, Article II, Section 6, in 2005 with the Commonwealth's participation in Phases I and II of the Census Bureau's redistricting data program. The Division of Legislative Services was designated as the agency to coordinate with the Census Bureau and carry out the program. The Division operates under the general supervision of the Joint Reapportionment Committee. This bi-partisan committee represents the House of Delegates and Senate (Virginia Code §§ 30-263 through 30-265) and oversees preparations for redistricting. Participation in Phases 1 and 11 involved the review of census geography and the incorporation of Virginia's voting precincts in the Bureau's census geography and the provision of census redistricting data at the voting precinct level.

The second major step in preparing for redistricting was to build a geographic information system and acquire software to enhance the system used in 2001.

A key component of the computer-based redistricting system was the website maintained by the Division of Legislative Services. The Division's redistricting website was begun in 2000 and maintained throughout the decade. This website was expanded for the 2011 redistricting to include more sophisticated mapping options and a mechanism for the public to comment on plans as they were introduced and made public. The website is http://redistricting.dls.virginia.gov/2010/. The objective of the expanded website was to provide for the broadest and promptest dissemination of redistricting information, population and election history data, interactive maps, and redistricting proposals as they were made public. Copies of public comments made on the website were routinely distributed to the Privileges and Elections Committees.

Information available through the website to legislators and the public includes data on the current and proposed districts, interactive maps, statistical reports, block, precinct, locality, and district-level population data, and shape and block-assignment files. Notices of redistricting public hearings and transcripts of the hearings and Committee meetings are published on this website. The House and Senate Privileges and Elections Committees Redistricting Criteria resolutions, along with *Drawing the Line,* a Division of Legislative Services publication about redistricting in Virginia, are also found on this website. In addition, there is a webpage that contains 2010 census data, an explanation of file formats, and free data downloads.

The Division's website was updated continuously. The events described in the following chronology were routinely posted on the website. The statistical reports for House Bill 5005 and other legislation considered by

the 2011 General Assembly Special Session, were generated using 2010 Census population data and the precinct boundaries that were included in the 2011 census reports.

CHRONOLOGY

2005 through 2009

The Division of Legislative Services, subject to oversight from the Joint Reapportionment Committee, conducted Phases I and II of the Census Bureau's redistricting program and began constructing the new computer redistricting system with funds appropriated in the state's biennial budgets.

April 1, 2010

Census Day.

August through December 2010

Delegate Mark L. Cole of Fredericksburg announced on August 23, 2010, that the redistricting subcommittee of the House of Delegates Committee on Privileges and Elections was scheduling a series of six public hearings throughout the Commonwealth in preparation for the 2011 redistricting process and to encourage broad public input into the redistricting process. The six different public hearings took place in September, October, and December in Roanoke, Norfolk, Fairfax, Danville, Stafford, and Richmond. Transcripts of the hearings were made available on the Division's redistricting website and are contained in Attachment 15-House.

In August the Division published the first issue of its redistricting newsletter, *Drawing the Line 2011,* with population estimates for the current districts and background information on the redistricting process. The newsletter was mailed to members and

posted on the Division's website, and there was email notification and a link to the website provided to all interested parties.

On September 16, 2010, Senator Janet Howell, Chair of the Senate Committee on Privileges and Elections announced a schedule of four public hearings in Roanoke, Herndon, Portsmouth, and Richmond in October, November, and December. Transcripts of the hearings were made available on the Division's redistricting website and are contained in Attachment 15-Senate.

In the late fall Christopher Newport University and the Public Mapping Project announced a Virginia Redistricting Competition for Virginia college teams with a December 15, 2010 deadline to register. The Competition web site is: http://www.varedistricting competition.org/ Twelve colleges participated and 55 plans were submitted by mid-March 2011 for state legislative and congressional districts. http://www.varedistrictingcompetition.org/resuits#TOC-Overview. Two of the competition plans were introduced: HB 5002 by request by Delegate Robert Brink (a University of Richmond plan for the House of Delegates (first place in the Governor's Commission Division)) and SB 5002 by Senator John Miller (a William and Mary Plan for the Senate (first place in the Governor's Commission Division)).

On December 17, 2010, the Joint Reapportionment Committee met in Richmond, received an update from the Division of Legislative Services on its work with the Census Bureau and its preparations for the redistricting process. The Committee adopted a resolution directing staff to continue preparations for redistricting in 2011 and authorizing the Division to proceed with necessary steps to enter into contracts

for a redistricting software application and the development of a website to provide public access to the process and allow public comments on proposed redistricting plans..

January and February 2011

The General Assembly met for the 2011 Regular Session from January 12 to February 27, 2011, and adopted House Bill 1507 (Ch. 3, 2011 Acts of Assembly) to move the usual June 14 primary date to August 23, 2011, and allow time for enactment and Section 5 Voting Rights Act review of redistricting plans. The bill passed unanimously and took effect immediately upon passage on February 17, 2011, subject to Department of Justice review that was initiated February 24, 2011. DOJ sent their preclearance notification March 22, 2011.

On January 10, 2011, Governor McDonnell issued an Executive Order No. 31 creating the Independent Bipartisan Advisory Commission. The Commission met in January through March in work sessions and public hearings and issued its final report, dated April 1, 2011. See the Commission's web site at http://redistrictingcommission.cnu.edu/

On February 3, 2011, Virginia received the Public Law 94-171 redistricting data from the Census Bureau, and the Division then posted the data on its website along with explanatory information.

The Joint Reapportionment Committee met February 7 and 23, 2011, for staff reports on its readiness to draw redistricting plans and provide for public access to and comments on plans.

On February 25, 2011, Delegate M.K. Cox introduced House Joint Resolution No. 986 applying to the

Governor to call a redistricting special session to begin immediately upon adjournment of the regular 2011 Session. Both houses agreed and the Resolution took effect February 26, 2011. The regular 2011 Session adjourned on Sunday, February 27, 2011, and on that day the Governor issued his proclamation calling for the special session. The Special Session convened February 27 and agreed to House Joint Resolution 5002 setting the ground rules for the Special Session. The Special Session then recessed until April 4, 2011, allowing time for public hearings and the drawing of plans.

March and April 2011

The House and Senate Privileges and Elections Committees announced on March 18, 2011, that the committees would hold a series of eight joint public hearings around the Commonwealth March 31, April 2, and April 4, 2011. Information on the public hearings and the 2010 populations of the then current House of Delegates, Senate, and congressional plans were posted on the website and covered in the Number 2 issue of *Drawing the Line 2011*. Transcripts for the hearings are available on the website and in Attachment 15-Joint.

On March 25, 2011, the House and Senate Committees on Privileges and Elections met separately in Richmond and each adopted a committee resolution setting out the criteria that the committee would follow in reviewing redistricting plans for the House of Delegates and Senate. See Attachments 4-House and 4-Senate. The Senate Committee also adopted a resolution for criteria in reviewing congressional district plans. The one substantive difference among the resolutions concerned the permissible population deviations: House of Delegates – plus or minus one percent;

Senate – plus or minus two percent; and congressional – exact equality.

Beginning March 29, 2011, members of the General Assembly began releasing redistricting plans on the Division's redistricting website and introducing bills to enact redistricting plans. Not every plan that was released on the website became a bill, but statistical reports and maps were released on the website for every plan made public on the website and for every bill that was introduced. Here is the chronology for the ten plans made public by April 7. The parenthetical notes show the name of the plan as shown on the Division website.

March 29	Delegate S.C. Jones – HB 5001 (HB 5001 - C.Jones). HB 5001 introduced and referred to the House Committee on Privileges and Elections.
March 29	Senator Janet Howell released a draft plan on the web site (SB# J. Howell).
March 30	Senator Howell released a revised draft plan on the website (SB# J.Howell (3/30/11)).
March 30	Senator John Watkins released a draft plan on the website (SB# J. Watkins - [Watkins B]).
April 3	Senator Howell – SB 5001 (SB 5001 - J. Howell (4/3/11)). SB 5001 introduced and referred to the Senate Committee on Privileges and Elections.
April 4	Delegate Robert Brink by request – HB 5002 (HB 5002 - R. Brink (U of R Plan)). [First place for House in Governor's

Commission division.]. HB 5002 introduced and referred to the House Committee on Privileges and Elections.

April 4 — Delegate Joe Morrissey – HB 5003 (HB 5003 - J. Morrissey). [Based on George Mason University Plan – first place for House in Redistricting Competition Division.] HB 5003 introduced and referred to the House Committee on Privileges and Elections.

April 4 — Senator John Watkins released Option 1 Senate plan (Ind. Bipartisan Advisory Comm. on Redistricting - Opt 1).

April 5 — Senator J. Miller – SB 5002 (SB 5002 - J. Miller (William & Mary Plan. [First place for Senate in Governor's Commission division.] SB 5002 introduced and referred to the Senate Committee on Privileges and Elections.

April 7 — Senator Watkins Substitute (Watkins Committee Substitute (4/7/11).

On April 4, 2011, the House Committee on Privileges and Elections met, and Delegate Brink presented HB 5002 and introduced the University of Richmond students who had prepared the winning plan for the House in the Governor's Commission division of the student contest. The plan emphasized compactness and utilized a plus and minus 5 % deviation range.

Delegate Jones explained HB 5001 and a proposed substitute for the Bill. He emphasized that (i) the plan hewed to the equal population criterion with deviations no more than plus or minus one percent, (ii) the districts as drawn fully complied with the Voting

Rights Act and maintained 12 majority-minority districts, and (iii) the plan was developed with extensive participation by Republican, Democratic, and minority members. There were supporting comments by Democratic and minority committee members – Delegates Spruill, Dance, and Sickles. The Substitute incorporated a number of changes from the introduced bill made in response to requests from members and localities and affecting 51 districts.

After hearing public comments, the Committee reported out a Committee Substitute for HB 5001 (20-2).

The House agreed (87-10) to the Committee Substitute on April 5, 2011, and voted (86-8) for final passage on April 6, 2011. Votes in Committee and on the floor demonstrated bipartisan and minority member support for the plan.

On April 5, 2011, the Senate Privileges and *Elections Committee met to discuss two bills but did* not vote on the bills. Senator John Miller sponsored SB 5002 that was to be referred to the Committee later in the day. He introduced the William and Mary students who explained their plan and answered questions. Senator Howell explained her SB 5001 and emphasized its adherence to state and federal constitutional equal population requirements, compliance with equal protection and Voting Rights Act requirements, and adherence to compactness, contiguity, political fairness, and communities of interest considerations.

The House Bill was communicated to the Senate and referred to the Senate Committee on Privileges and Elections on April 7, 2011. Delegate Jones presented HB 5001 to the Senate Committee on April 7. The

Senate Committee reported a Committee Substitute for HB 5001 that included the Senate district plan as presented in SB 5001 with several revisions designed mainly in response to member and locality requests. The vote to report the Committee Substitute was 9-6 with all Democrats voting aye and all Republicans voting nay. The Committee Substitute was amended on the floor to adjust two City of Richmond precincts and the lines of the 69th, 70th, and 71st House Districts. Senator Watkins offered a floor substitute that was ruled out of order. The vote on passage of the Committee Substitute as amended was 22 to 18 with all Democrats voting aye and all Republicans voting nay.

On April 11, 2011, the General Assembly reconvened the Special Session to take final action on HB 5001. The House rejected the Senate substitute and amendments to put the Bill in Conference and to make further minor adjustments to both the House and Senate district plans. The Conferees recommended a new substitute for HB 5001 to resolve technical issues. Both houses accepted the Conferees' Report by votes of 85-9 in the House and 22-17 in the Senate, votes that reflected the same basic divisions as earlier votes.

Four days later on April 15, 2011, Governor McDonnell vetoed House Bill 5001. In his veto message (copy attached), he objected primarily to the Senate plan.

Delegate Jones introduced House Bill 5005 on April 18, 2011, and it was referred to the House Committee on Privileges and Elections which reported the Bill 16-0 on that day. The Bill contained the House plan as passed in House Bill 5001 with several adjustments in response to member and locality requests to reduce the

number of split precincts. No action was taken on the Governor's veto of HB 5001.

On April 25, 2011, the House voted to engross HB 5005 and advanced it to its third reading. On April 27, 2011, the House passed HB 5005 by a vote of 80-9.

The Senate Committee on Privileges and Elections met April 28, 2011, and reported a Committee Substitute for HB 5005 that incorporated a significantly revised Senate district plan developed by negotiators for the Democratic and Republican Senate caucuses. The Committee voted to report the Substitute 12-3 with three Republican members voting nay. A series of several amendments to the Committee Substitute were offered on the floor by Senator George Barker and adopted. These amendments were related to the Senate plan and affected Districts 15, 18, 19 and 23 and the lines through Bedford, Brunswick, Franklin, and Roanoke Counties. The final vote on passage was 325 with five Republican senators voting nay. Later that evening, the House voted 63-7 to approve the HB 5005 Senate Substitute and amendments.

During the consideration of the house and senate plans, one effect was a reduction in the number of split precincts in both plans. As introduced HB 5001 split 57 localities and 135 precincts; the final House plan as passed in Chapter 1 splits 59 localities and 109 precincts. As introduced SB 5001 split 44 localities and 130 precincts; the final Senate plan as passed in Chapter 1 splits 46 localities and 119 precincts.

As outlined in Attachment 5 – House, Chapter 1 maintains 12 black majority districts in the House plan despite demographic changes resulting in the loss of population in these districts. Eleven of the 12 black majority districts in the current plan were below the

ideal population by a total of 79,310. Only one of those districts was above the ideal by just 143 for a net shortage of 79,167 – almost 80,010, the ideal population of a house district. All 12 black majority districts were maintained in Chapter 1 with greater than 55% black VAP – a range of 55.2% to 60.7%. The delegates from the 12 districts voted for final passage of HB 5005 with the exception of Delegates Morrissey (74th), Tyler (75th), and Ward (92nd). The members of the black caucus including in addition delegates from the 11th, 46th, and 52nd Districts voted for final passage of HB 5005 with the exception of Delegates Tyler and Ward.

As outlined in Attachment 5 – Senate, Chapter 1 maintains five black majority districts in the Senate plan despite demographic changes resulting in the loss of population in these districts. Four of the five black majority districts in the current plan were below the ideal population by a total of 81,842. Only one of those districts was above the ideal by just 1,968 for a net shortage of 79,874 – 40% of the ideal population of a senate district. The five black majority districts were maintained in Chapter 1 with greater than 50% black VAP – a range of 50.8% to 53.6%. The senators from the five districts and members of the black caucus voted for final passage of HB 5005 with the sole exception of Senator Locke who was absent but who had voted for final passage of HB 5001.

Governor McDonnell signed the enrolled HB 5005 on April 29, 2011. A copy of his statement on signing Chapter 1 is attached.

DLS/mrs

5/4/11

For Immediate Release
April 28, 2011

Contact
Jeff Caldwell
Press Secretary
(804) 786-2211

Statement of Governor Bob McDonnell on Passage of Redistricting Legislation

RICHMOND — Governor Bob McDonnell issued the following statement regarding the redistricting legislation passed by the General Assembly this evening:

"I thank the General Assembly for passing this new redistricting plan. I will sign this legislation as soon as it reaches my desk. The plan as passed does address most of the criteria I outlined in my veto letter, and ensures that the elected members of the legislative branch fulfill their constitutional obligation to draw our electoral lines every ten years.

In my veto letter, I asked the Senate to send me a plan that was bipartisan and addressed potential legal issues. The plan approved today is in line with those goals. This plan retains more geographic and municipal boundaries, contains districts that are somewhat more compact, and passed the Senate on a strong bipartisan vote. In these aspects it is similar to the House plan. It is a great improvement over the previous plan that I vetoed, and which failed to gain a single vote from the minority party. I applaud the Republican and Democratic members of the Senate who worked well together to craft this compromise plan.

At my request, the Attorney General's office has reviewed the preliminary data regarding the plan. Based on this review, they concluded that the plan meets the relevant legal requirements of the U.S.

Constitution, the Virginia Constitution, and the Voting Rights Act. I have asked the Attorney General to ensure that the legislation will be precleared in a timely fashion so that the 2011 election process can get underway.

While additional improvements in measures of compactness and preservation of communities of interest would have been ideal, and no plan is perfect, the Constitution of Virginia tasks the General Assembly with drawing lines, and further delay could have turned that authority over to the courts. With state and federal lawsuits currently pending that request court-drawn lines, prompt action was required to preserve this inherently legislative function, and permit timely preclearance under the Voting Rights Act.

I also wish to thank the many groups that have been involved throughout the redistricting process, including the Independent Bipartisan Advisory Commission on Redistricting. I am confident that their involvement and detailed report had a significant positive impact on the process by allowing members of the General Assembly to consider further options as they worked together to pass today's plan. I look forward to continuing to work with the members of the General Assembly, and all Virginians, in our crucial ongoing effort to bring new jobs and more opportunities to every region of Virginia."

# # #

http://www.governor.virginia.gov/news/viewRelease.cfm?id720&printpage=Yes

4/30/2011

LEGISLATIVE HISTORY OF 2012 VIRGINIA CONGRESSIONAL DISTRICT PLAN

This Attachment provides a chronology that identifies the events, legislative actions, and proposals resulting in the enactment of House Bill 251 as Chapter 1 of the 2012 Acts of Assembly, signed by Governor Robert F. McDonnell on January 25. 2012, (hereafter Chapter 1). Chapter 1 contains the redistricting plan for the 11 congressional seats apportioned to Virginia under the 2010 Census results.

In 2005, the General Assembly began preparing for the decennial congressional and legislative reapportionment (commonly referred to as legislative redistricting) required by the Virginia Constitution, Article II, Section 6, with the Commonwealth's participation in Phases I and II of the Census Bureau's redistricting data program. The Division of Legislative Services was designated as the agency to coordinate with the Census Bureau and carry out the program. The Division operates under the general supervision of the Joint Reapportionment Committee. This bi-partisan committee represents the House of Delegates and Senate (Virginia Code §§ 30-263 through 30-265) and oversees preparations for redistricting. Participation in Phases I and II involved the review of census geography, the incorporation of Virginia's voting precincts in the Bureau's census geography, and the provision of 2010 Census redistricting data at the voting precinct level.

The second major step in preparing for redistricting was to build a geographic information system and acquire software to enhance the system used in 2001. A key component of the computer-based redistricting system was the website maintained by the Division of Legislative Services. The Division's redistricting

website was begun in 2000 and maintained throughout the decade. This website, http://redistricting.dls.virginia.gov/2010/ was expanded for the 2011-2012 redistricting process to include more sophisticated mapping options and a mechanism for the public to comment on plans as they were introduced and made public. The objective of the expanded website was to provide for the broadest and promptest dissemination of redistricting information, population and election history data, interactive maps, and redistricting proposals as they were made public. Copies of public comments made on the website were routinely distributed to the Privileges and Elections Committees.

Information available through the website to legislators and the public includes data on the current and proposed districts; interactive maps; statistical reports; block, precinct, locality, and district-level population data; and shape and block-assignment files. Notices of redistricting public hearings and transcripts of the hearings and Committee meetings are published on the redistricting website. The House and Senate Privileges and Elections Committees Redistricting Criteria resolutions and *Drawing the Line,* a publication created by the Division of Legislative Services about redistricting in Virginia, are also found on the website. In addition, there is a webpage that contains 2010 Census data, an explanation of file formats, and free data downloads.

The Division's website was updated regularly. The events described in the following chronology were routinely posted on the website and available through the General Assembly's Legislative Information System (http://lis.virginia.gov/). The statistical reports for the congressional redistricting legislation considered by the General Assembly in its 2011 Special Session I

and its 2012 Regular Session, were generated using 2010 Census population data and the precinct boundaries that were included in the 2010 Census reports.

CHRONOLOGY

2005 through 2009

The Division of Legislative Services, subject to oversight from the Joint Reapportionment Committee, participated in Phases I and II of the Census Bureau's redistricting program and began constructing the new computer redistricting system with funds appropriated in the state's biennial budgets.

April 1, 2010

Census Day.

August through December 2010

Delegate Mark L. Cole of Fredericksburg announced on August 23, 2010, that the redistricting subcommittee of the House of Delegates Committee on Privileges and Elections was scheduling a series of six public hearings throughout the Commonwealth in preparation for the 2011 redistricting process with a goal of encouraging broad public input into the redistricting process. The six different public hearings took place in September, October, and December in Roanoke, Norfolk, Fairfax, Danville, Stafford, and Richmond. Transcripts of the hearings were made available on the Division's redistricting website and may be viewed in Attachment 15.

In August 2010, the Division published the first issue of its redistricting newsletter, *Drawing the Line 2011,* with population estimates for the current districts and background information on the redistricting process. The newsletter was mailed to members of

the Virginia General Assembly and posted on the Division's website. In addition, all interested parties were provided notification by email with a link to the website.

On September 16, 2010, Senator Janet Howell, Chair of the Senate Committee on Privileges and Elections announced a schedule of four public hearings in Roanoke, Hemdon, Portsmouth, and Richmond in October, November, and December. Transcripts of the hearings were made available on the Division's redistricting website and may be viewed in Attachment 15.

In the late fall of 2010, Christopher Newport University and the Public Mapping Project announced a 2011 Virginia College and University Legislative Redistricting Competition with a December 15, 2010, deadline to register. The Competition website was: http://www.varedistrictingcompetition.org/. Twelve colleges participated and 55 plans were submitted by mid-March 2011 for state legislative and congressional districts. SB 5003 is one of the competition plans and was a first place winner in the Governor's Commission Division. It is a congressional redistricting plan and created by a William and Mary Law School team. It was introduced on April 7, 2011, by request by Senator J. C. Miller.

On December 17, 2010, the Joint Reapportionment Committee met in Richmond and received an update from the Division of Legislative Services on its work with the Census Bureau and its preparations for the redistricting process. The Committee adopted a resolution directing staff to continue preparations for redistricting in 2011 and authorizing the Division to proceed with necessary steps to enter into contracts

for a redistricting software application and the development of a website to provide public access to the process and allow public comments on proposed redistricting plans.

January and February 2011

The General Assembly met for the 2011 Regular Session from January 12 to February 27, 2011, and adopted House Bill 1507 (Ch. 3, 2011 Acts of Assembly) to move the usual June 14 primary date to August 23, 2011, and allow time for enactment and Section 5 Voting Rights Act review of the redistricting plans for the House of Delegates and Senate before the November 2011 elections for those bodies. The bill passed unanimously and took effect immediately upon passage on February 17, 2011, subject to Department of Justice review that was initiated February 24, 2011. DOJ sent their preclearance notification on March 22, 2011.

On February 3, 2011, Virginia received the Public Law 94-171 redistricting data from the Census Bureau, and the Division posted the data on its website along with explanatory information. The Joint Reapportionment Committee met February 7 and 23, 2011, for staff reports on its readiness to draw redistricting plans and provide for public access to and comments on plans.

On February 25, 2011, Delegate MK. Cox introduced House Joint Resolution No. 986 applying to the Governor to call a redistricting special session to begin immediately upon adjournment of the 2011 Regular Session. Both houses agreed and the resolution took effect February 26, 2011. The 2011 Regular Session adjourned on Sunday, February 27, 2011, and on that day the Governor issued his proclamation calling for

the special session. The 2011 Special Session I convened February 27 and agreed to House Joint Resolution 5002 setting the ground rules for the Special Session. The Special Session then recessed until April 4, 2011, allowing time for public hearings and the drawing of plans.

March and April 2011

The House and Senate Privileges and Elections Committees announced on March 18, 2011, that the committees would hold a series of eight joint public hearings around the Commonwealth on March 31, April 2, and April 4, 2011. Information on the public hearings and the 2010 populations of the then current House of Delegates, Senate, and congressional plans were posted on the redistricting website and covered in the issue Number 2 of *Drawing the Line 2011.* Transcripts for the hearings are available on the website and in Attachment 15.

On March 25, 2011, the House and Senate Committees on Privileges and Elections met separately in Richmond and each adopted a committee resolution setting out the criteria that the committee would follow in reviewing redistricting plans for the

House of Delegates and Senate. The Senate Committee also adopted a resolution for criteria in reviewing congressional district plans. See attachment 4. This resolution was identical to the resolution adopted July 9, 2001, by both the House and Senate Committees on Privileges and Elections with one updated reference to court cases. The House Committee held extensive discussions on the criteria for redrawing House of Delegates districts and adjourned without taking up congressional redistricting criteria.

The General Assembly placed its primary emphasis during April on the passage of redistricting plans for the House of Delegates and Senate in advance of the November 2011 election. However, beginning April 6, 2011, members of the General Assembly began introducing bills to redraw congressional districts and releasing congressional district plans on the Division's redistricting website.

Here is the chronology for the plans made public and for the various legislative actions taken on the congressional district plans. The parenthetical notes show the name of the plan as shown on the Division website.

April 6, 2011 Delegate Bill Janis introduced HB 5004 and it was referred to the House Committee on Privileges and Elections. (HB 5004 - B. Janis); posted on website April 6, 2011.

April 7, 2011 Senator J.C. Miller introduced SB 5003, by request, and it was referred to the Senate Committee on Privileges and Elections. (SB 5003 - J.Miller (William & Mary Plan)); posted April 8, 2011. No further action was taken on SB 5003.

April 11, 2011 Senator Locke introduced SB 5004 and it was referred to the Senate Committee on Privileges and Elections. (SB 5004 - M. Locke); posted April 11, 2011. No further action was taken on SB 5004. However, a later version of this plan was made public and subsequently placed in HB 5004 by a Senate Committee on Privileges and Elections substitute amendment for HB 5004. See, June 6 and 7, 2011, below.

April 12, 2011 The House Committee on Privileges and Elections met, adopted one technical amendment to correct a Fairfax County precinct name, and reported

HB 5004 with one amendment (17 - 2, Delegates Alexander and Howell, A.T. voting nay). The House voted 71-23 later on April 12 to report HB 5004 with the Committee amendment and two amendments offered by Delegate Janis to reunite the Taylor Elementary School Precinct (213) of the City of Norfolk in the Third Congressional District. The House communicated the engrossed HB 5004 to the Senate where it was referred to the Senate Committee on Privileges and Elections. The Senate Committee reported (9-6) a substitute for HB 5004.

April 25 and 27, 2011 The Senate met and recommitted HB 5004 to the Senate Committee on Privileges and Elections.

May through December 2011

June 6 through 9, 2011 Senator Locke released a substitute for her SB 5004 (SB 5004 - M.Locke Substitute); posted June 6, 2011. On June 9, 2011, the Committee on Privileges and Elections adopted and reported (9-4) an identical substitute for HB 5004 (HB 5004 Senate Committee Substitute (6/9/11)), posted June 7, 2011. On June 9, the Senate passed the HB 5004 Committee Substitute (22-15), the House rejected the Senate substitute amendment, and HB 5004 was put into conference.

The conference committee deadlocked. There was no further action taken on HB 5004 in 2011.

January 2012

January 10, 2012 Delegate Robert B. Bell prefiled HB 251, an exact duplicate of the 2011 engrossed HB 5004 as it had passed the House of Delegates (2012 HB251 - Robert B. Bell); posted January 11, 2012.

January 11, 2012 The 2011 Special Session adjourned sine die, and the General Assembly convened the 2012 Regular Session. The House Committee on Privileges and Elections met and Delegate Bell explained that HB 251 was the same as HB 5004 (2011 Special Session I) as it had passed the House in 2011. The Committee reported HB 251 by a vote of 19 - 3 (Delegates Scott, Sickles, and Spruill voting no).

Senator Jill Vogel introduced SB 455, which was the same as HB 5004 as it had been introduced and was referred to the Senate Committee on Privileges and Elections.

January 13, 2012 The House passed HB 251 by a vote of 74-21.

January 16, 2012 HB 251 was referred to the Senate Committee on Privileges and Elections.

January 17, 2012 The Senate Committee on Privileges and Elections reported HB 251 by a vote of 8-7 and reported a substitute for SB 455 also by a vote of 8-7 that conformed it to HB 251.

January 20, 2012 The Senate passed HB 251 by a vote of 20-19 and engrossed the substitute for SB 455.

January 25, 2012 Governor McDonnell signed HB 251.

See attachments 3 and 5 for analyses of Chapter 1 of the 2012 Acts of Assembly and SB 5004 (Special Session I, 2011).

Draft DLS/mrs

1/26/12

sprojects/redist/2012/submission ch 0 attachment 17

Bethune-Hill v. Virginia State Board of Elections
Expert Report

Stephen Ansolabehere

March 11, 2015

I. Statement of Inquiry

1. I have been asked to examine the geographic compactness of, racial composition of and voting patterns in legislative districts for the Virginia House of Delegates under the Benchmark Map (from 2001 to 2010) and under the district map enacted by the Virginia General Assembly in HB 5005 (2011-present).

2. I was also asked how 12 Challenged House Districts (HDs 63, 69, 70, 71, 74, 75, 77, 80, 89, 90, 92, and 95) were changed between the Benchmark Map and the map enacted through HB 5005, and whether racial composition or partisan composition was the predominant factor in the changes in these districts.

3. I have been asked to examine voting patterns overall and for specific racial groups in the Commonwealth of Virginia and in the 12 Challenged House Districts, and to assess whether these were under the Benchmark Map and are under HB 5005 districts in which African Americans have the ability to elect their preferred candidates.

II. Background and Qualifications

4. I am a professor of Government in the Department of Government at Harvard University in Cambridge, MA. Formerly, I was an Assistant Professor at the University of California, Los Angeles, and I was Professor of Political Science at the Massachusetts Institute of Technology, where I held the Elting R. Morison Chair and served as Associate

Head of the Department of Political Science. I directed the Caltech/MIT Voting Technology Project from its inception in 2000 through 2004, am the Principal Investigator of the Cooperative Congressional Election Study, a survey research consortium of over 250 faculty and student researchers at more than 50 universities, and serve on the Board of Overseers of the American National Election Study. I am a consultant to CBS News' Election Night Decision Desk. I am a member of the American Academy of Arts and Sciences (inducted in 2007).

5. I have worked as a consultant to the Brennan Center in the case of *McConnell v. FEC*, 540 U.S. 93 (2003). I have testified before the U.S. Senate Committee on Rules, the U.S. Senate Committee on Commerce, the U.S. House Committee on Science, Space, and Technology, the U.S. House Committee on House Administration, and the Congressional Black Caucus on matters of election administration in the United States. I filed an amicus brief with Professors Nathaniel Persily and Charles Stewart on behalf of neither party to the U.S. Supreme Court in the case of *Northwest Austin Municipal Utility District Number One v. Holder*, 557 U.S. 193 (2009). I am testifying expert for the Rodriguez plaintiffs in *Perez v. Perry*, currently before the U. S. District Court in the Western District of Texas (No. 5:11-cv-00360), for the San Antonio Water District intervenor in *LULAC v. Edwards Aquifer Authority* in the U.S. District Court for the Western District of Texas, San Antonio Division (No. 5:12cv620-OLG,); and for the Harris plaintiffs in *Harris v. McCrory* in the U. S. District Court for the Middle District of North Carolina (No. 1:2013cv00949). I have served as a testifying expert for the Gonzales intervenors in *State of Texas v. United States* before the U.S. District Court in the

District of Columbia (No. 1:11-cv-01303); for the Department of Justice in *State of Texas v. Holder*, before the U.S. District Court in the District of Columbia (No. 1:12-cv-00128); for the Guy plaintiffs in *Guy v. Miller* in U.S. District Court for Nevada (No. 11-OC-00042-1B); for the Florida Democratic Party in *In re Senate Joint Resolution of Legislative Apportionment* in the Florida Supreme Court (Nos. 2012-CA-412, 2012-CA-490); for the Romo plaintiffs in *Romo v. Detzner* in the Circuit Court of the Second Judicial Circuit in Florida (No. 2012 CA 412); for the Department of Justice in *Veasey v. Perry*, before the U.S. District Court for the Southern District of Texas, Corpus Christi Division (No. 2:13cv00193).

6. My areas of expertise include American government, with particular expertise in electoral politics, representation, and public opinion, as well as statistical methods in social sciences. I have authored numerous scholarly works on voting behavior and elections, the application of statistical methods in social sciences, legislative politics and representation, and distributive politics. This scholarship includes articles in such academic journals as the *Journal of the Royal Statistical Society, American Political Science Review, American Economic Review, the American Journal of Political Science, Legislative Studies Quarterly, Quarterly Journal of Political Science, Electoral Studies,* and *Political Analysis.* I have published articles on issues of election law in the *Harvard Law Review, Texas Law Review, Columbia Law Review, New York University Annual Survey of Law*, and *Election Law Journal*, for which I am a member of the editorial board. I have coauthored three scholarly books on electoral politics in the United States, *The End of Inequality: Baker v. Carr and the Transformation of American Politics, Going Negative:*

How Political Advertising Shrinks and Polarizes the Electorate, and The Media Game: American Politics in the Media Age. I am coauthor with Ted Lowi, Ben Ginsberg, and Ken Shepsle of American Government: Power and Purpose. My curriculum vita with publications list is attached to this report.

7. I have been hired by the Plaintiffs in this case. I am retained for a rate of $400 per hour, which is my standard consulting rate.

III. Summary of Analysis and Findings

8. This report examines 12 House Districts that plaintiffs have challenged. They are HDs 63, 69, 70, 71, 74, 75, 77, 80, 89, 90, 92, and 95. This report refers to these as the Challenged Districts. This report compares the geographic, racial, and electoral or partisan composition of these districts with other districts in the Virginia House of Delegates and under the Benchmark Map (from 2001 to 2010) and under HB 5005 (from 2011 to 2015).

9. The assessment of the districts and the map as a whole is along three lines: (i) geographic integrity of the Challenged Districts, especially compared with the entire map, (ii) the degree to which race or party was a factor in the configuration of the districts, and (iii) the extent to which racial voting patterns might justify the need to draw districts as under HB 5005.

10. Overall, HB 5005 substantially reduces geographic compactness among the Challenged Districts and increases the number of split Voting Tabulation Districts (VTDs) and Counties and Cities among these districts. Each of the 12 Challenged Districts has a Black Voting Age Population (BVAP) percent of at least 55 percent. Race is a strong predictor of the movement of VTDs into and out of the HDs in

question, and race is a much stronger predictor of such movements than is Democratic share of the vote. Four of the Challenged Districts lack racially polarized voting, and two others exhibited low levels of White Cohesion. All 12 of the Challenged Districts were districts in which African Americans had the ability to elect their preferred candidates. Analysis of the racial composition and voting patterns in these districts reveals that the Challenged Districts did not require a BVAP of 55 percent or higher in order to provide or maintain a district in which minority voters have the ability to elect their preferred candidates.

11. The Challenged Districts are clustered in five different areas of the Commonwealth: Dinwiddie-Greensville (63, 75), Richmond (69, 70, 71, 74), Portsmouth (77, 80), Norfolk (89, 90), and Hampton (92, 95). The districts in these areas abut each other; they are nested in a local geography and linked.

12. In the Dinwiddie-Greensville Area:

(i) There was a substantial reduction in compactness of HD 63, the largest reduction of any district. There is also a very high number of split VTDs and Counties and Cities in both HD 63 and 75.

(ii) There is substantial evidence that the movement of VTDs in this area sorted people by race into and out of HDs 63 and 75. And, race was a much stronger determinant of which VTDs were included in which HDs in this area than was party.

13. In the Richmond Area:

    (i) HD 74 exhibits extremely low compactness. The geographic and population center of HD 70 is shifted out of Richmond City.

    (ii) Race is a substantial factor in reconfiguration of the four HDs in the area, especially in the movement of VTDs among HDs 69, 70, 71, and 74. Race is more important than party in explaining which VTDs in the Richmond area are included in HDs 69, 70, 71, and 74.

    (iii) There is no racial polarization in HDs 69, 70, and 71. Hence, protection of African Americans from racial polarized voting in Richmond City is not a justification for increasing BVAP in these districts or creating majority-minority HDs.

14. In the Portsmouth Area:

    (i) HD 77 is highly non-compact, and the reconfiguration of HD 80 reduced the compactness of that district substantially.

    (ii) The movement of VTDs into and out of both HD 77 and HD 80 followed racial lines, and race had a much stronger effect than party in explaining which HDs were included.

    (iii) There was relatively low cohesion among Whites in HD 80; hence protection of African Americans from racially polarized voting in Norfolk is not a justification for increasing BVAP in these districts or creating a majority-minority HD here.

15. In the Norfolk Area:

    (i) There was a substantial reduction in compactness of HD 89.

(ii) Race was a strong predictor of which VTDs were included in HDs 89 and 90 in the Norfolk area, and was a stronger predictor than party vote.

(iii) There is no racially polarized voting in HD 89; hence, protection of African Americans from racially polarized voting in Norfolk is not a justification for increasing BVAP in these districts.

16. In the Hampton Area:

(i) HB 5005 rendered HD 95 the least compact district in the map. This was done by adding a long arm to the district that extended up the Virginia Peninsula. That arm splits six precincts and does not appear to have a clear minority voting rights or partisan justification.

(ii) Race was a strong predictor of which VTDs were included in these HDs, particularly in explaining which VTDs were included in HD 92. The VTDs moved out of HD 92 show a clear racial difference.

IV. Data and Sources

17. Data on population, voting age population, and racial groups come from the 2010 Census. The United States Bureau of the Census makes available Population and Voting Age Population (VAP) from the 2010 Census enumeration at the Voting Tabulation District (VTD) level. http://www.census.gov/2010census/data/. Virginia respects VTDs in the configuration of its Precincts, so Precincts and VTDs are synonymous.

18. Election Returns at the precinct level are available from the Virginia Department of Elections.

http://elections.virginia.gov/index.php/resultsreports/election-results/

19. Some VTDs or precincts are split in the process of redistricting. In the case of split VTDs, the BVAP and election results are apportioned on the basis of the fraction of the total population in each part of a split VTD. Tacitly this assumes that the populations in each part of a split have similar demographic and political characteristics. Analysis of whole precincts, excluding split VTDs, is performed to verify conclusions reached with all whole VTDs and VTD parts. All data analyses below are weighted by the population in the VTD or portion of the VTD.

V. Challenged Districts by Region

20. The Challenged Districts are located in five areas: Dinwiddie-Greensville, Richmond, Portsmouth, Norfolk-Virginia Beach, and Newport News. Table 1 lists the 12 Challenged Districts by area within the Commonwealth of Virginia and the counties and cities wholly or partly included in each district under the Benchmark Map and under HB 5005.

A. Dinwiddie-Greensville

21. HDs 63 and 75 cover counties and cities in south-central Virginia. They are located in an area extending from Petersburg City and Hopewell City south to Greensville and Emporia City, and from Franklin City westward to the towns on the eastern side of Lunenburg County. HD 63 covers the northern part of this area, and HD 75 the southern part. See Maps A and B.

22. Under the Benchmark Map, HD 63 covered all of Dinwiddie County, all of Petersburg City, and Ettric and Matoaca in Chesterfield County. Under HB5005,

HD 63 includes all of Petersburg City and Ettric and Matoaca in Chesterfield County; it splits Dinwiddie County in half. It then reaches in a northeastern direction, extends an arm through Prince George County, and captures Wards 2 and 6 in Hopewell City, splitting that city.

23. Under the Benchmark Map HD 75 covered all of Greensville and Sussex Counties and all of the City of Emporia. It included part of Brunswick County, part of Southampton County, and most of Franklin City, as well as Camp Mill in Isle of Wight County and parts of Hounds Creek and Rosebud in Lunenburg County. HB 5005 shifts HD 75 northward to include half of Dinwiddie County, eastward to include parts of Surry County, and westward to include more of Lunenburg County. It now cuts Precincts 2 and 6 in half in Franklin City.

B. Richmond

24. HDs 69, 70, 71, and 74 are located in the Richmond area. Under HB 5005, HD 69 and 71 cover central Richmond. HD 70 includes some precincts from Richmond City and south and eastern suburban areas. HD 74 runs from the northern suburbs of Richmond City in Henrico County along the north eastern boundary of Henrico County to Charles City. It covers all of Charles City. See Maps C, D, E, and F.

25. HD 69 covers most of Richmond City south of the river. HD 69 under the Benchmark Map covered much of the southern part of Richmond City, and included several towns in Chesterfield County (all of Beaufont, Belmont, Davis, and Mancester). HB 5005 shifts HD 69 to the northeast. The new map drops three of the Chesterfield towns, and splits Davis in

Chesterfield County. It increases the number of precincts in HD 69 in southern Richmond and immediately north of the river.

26. HD 71 covers most of Richmond City that is north of the river. Under the Benchmark Map, the district also included Hilliard, Stratford Hall, and Summit Court in Henrico County to the northwest of the city. HB 5005 shifts HD 71 eastward. It drops precinct 301 in the northern part of the city and part of precinct 505 in the center of the city. It takes from HD 70 precincts 604, 701, and 702, and part of 703 in eastern Richmond City. It drops Hilliard, Stratford Hall, and Summit Court, and picks up Ratcliffe in Henrico County to the northeast of the city.

27. HB 5005 dramatically changed HD 70. HD 70 under the Benchmark Map covered the southeastern part of Richmond City. The Richmond City part of HD 70 under the Benchmark Map, with almost 35,000 persons, accounted for 43 percent of the district's population. The old version of the district also covered neighboring towns in Henrico County, with 30,000 persons, and included Drewry's Bluff in Chesterfield, with 9,500 persons.

28. Under HB 5005, the plurality of the population of HD 70 now comes from Chesterfield County. HB5005 makes HD 70 into a crab-shaped district, with its body in Henrico and an arm extending north to Ratcliffe in Henrico County and an arm extending southwest as far as Southside in Chesterfield County. The portion of the new HD 70 that lies in Chesterfield County (33,000 persons) accounts for 42 percent of the district's population. The Henrico portion is reduced to 26,000 persons, and the representation of Richmond City in HD 70 is now just 15,000 persons.

29. The shift in the location of HD 70 was not done because the district was underpopulated. HD 70 had 79,380 persons under the Benchmark Map and has 79,382 persons under HB 5005.

30. HB 5005 makes slight changes in the geography of HD 74. It splits Belmont and puts Ratcliffe into HD 70. It picks up Chikahominy and Nine Mile in the center and Hollybrook in the north. Even still this creates a sizable shift in population, moving 16,000 people into the district and 16,000 people out. See Table 5.

C. Portsmouth

31. HDs 77 and 80 are in Portsmouth and surrounding areas. Under the Benchmark Map, HD 80 covered most of Portsmouth City and some of the surrounding towns in Chesapeake and Norfolk Counties. HD 77 covered areas in Chesapeake County south of Portsmouth City, and extends into the center of Suffolk County.

32. HB 5005 changes these districts substantially. HB 5005 shifts HD 77 to the East. It drops Airport in Suffolk County and Geneva Park, Riverwalk, and Westover in Chesapeake County, all of which were in the district under the Benchmark Map. It picks up a ring of precincts on the far eastern end of the district: Oaklette, Tanglewood, Norfolk Highlands, and Indian River. It now splits the City of Georgetown with HD 78. See Map G. 21,000 persons were moved into this district, and 19,000 persons were moved out. See Table 5.

33. HB 5005 shifts HD 80 to the West. HD 80 represents the southern half of Portsmouth City. Under the Benchmark Map, the eastern part of the district consisted of all of three Norfolk precincts

(Berkeley, Taylor Elementary School, and Chrysler Museum) and parts of two others (Hunton Y and Old Dominion), and it contained Johnson Park in Chesapeake County, which is just south of Berkeley. HB 5005 retains Chrysler Museum in HD 80, but drops the other Norfolk precincts. It extends westward into Suffolk County (Harbor View and Yeates) and it replaces Johnson Park with Taylor Road in Chesapeake County. See Map H. 32,000 persons were moved into this district, and 22,000 persons were moved out. See Table 5.

D. Norfolk

34. HDs 89 and 90 represent Norfolk and Virginia Beach. HD 89 lies entirely within Norfolk under the Benchmark Map and under HB 5005. HD 90 derives a majority of its population from Norfolk, but also has population in Virginia Beach and, under the Benchmark Map, Chesapeake County. See Maps I and J.

35. HB 5005 shifts HD 89 to the northwest. Under the Benchmark Map, the Sherwood, Sherwood Recreation, Coleman School, and Tanner's Creek Precincts define the eastern boundary of HD 89. They are moved to HD 90 in HB 5005. Larchmont Library and Larchmont Recreation Center and parts of Zion Grace and Titustown Center to the north are brought into the district.

36. HB 5005 expands HD 90 to the north and east in Norfolk and to the east in Virginia Beach. The district drops the areas in northern Chesapeake County that it included in the Benchmark Map, namely Indian River, Norfolk Highlands, Oaklette, and Tanglewood. These are put into HD 80. HB 5005 appends an arm extending into Virginia Beach that

includes Sherry Park and College Park. The new map also extends the northeastern boundary of HD 90 further into Virginia Beach, to include part of Shell, all of Davis Corner, and part of Aragona. Almost 28,000 persons are brought into HD 90 and over 18,000 persons are moved out of this district from the Benchmark Map to HB 5005.

E. Hampton

37. HDs 92 and 95 lie at the end of the Virginia Peninsula and represent parts of the cities of Hampton and Newport News. See Maps K and L.

38. HD 92 lies entirely inside Hampton. HB 5005 made slight changes in this HD in order to increase the population from 71,017 to 79,689. The new district includes Armstrong, Forest, Kraft, Mallory and Wythe precincts. It drops the parts of Asbury and Machen precincts and the entirety of Sandy Bottom, which were in this district under the Benchmark Map.

39. HB 5005 significantly altered the location of HD 95. The new map drops from HD 95 precincts from the eastern part of Hampton that were in the district under the Benchmark Map. HB 5005 extends the district northward, reaching a long arm through the center of the Virginia Peninsula inside Newport News. As a result the district drops the number of persons from Hampton who were in this district from 29,000 down to 14,000. Under the Benchmark Map, 56 percent of the district population resided in Newport News; now 81 percent of HD 95's population resides in Newport News.

40. To accomplish the increase in the territory and population in Newport News, the district now sends a long arm up the middle of the Virginia peninsula. In order to configure the district this way, the boundary

of HD 95 under HB 5005 has to divide six precincts (Deer Park, Denbigh, Epps, Jenkins, Palmer, and Reservoir). It also adds the entirety of two others (Sanders and Sandy Bottom). The resulting HD, as noted in the next section, is the least compact district in the map and has a large increase in the number of split VTDs, specifically those split to create this highly elongated district.

VI. Compactness and Split County and VTD Boundaries

41. Traditional districting principles include, among other standards, geographic compactness and respect for boundaries of precincts (or VTDs), counties, and other administrative units. The Constitution of the Commonwealth of Virginia states that Virginia Legislative districts should be compact. (Article II, Section 6). Maintaining whole counties or cities and whole precincts helps with the administration of elections as it means that new precincts need not be created, and it keeps intact the areas in which voters have voted in prior elections. Splitting precincts often requires drawing new precincts and establishing new voting places.

A. Compactness

42. One of the most commonly used measures of compactness is a score developed by Reock.[1] The Reock score is the ratio of the Area of the district to the Area of the smallest circle in which the district is inscribed. The logic behind this standard is that a circle is the most compact shape, so the area of the smallest possible circular district with a given length is the

[1] E. C. Reock, "Measuring Compactness as a Requirement of Redistricting," 5 *Midwest Journal of Political Science* 70 (1961).

standard against which any given district may be judged. If a district were a perfect square the Reock measure would be .64. More elongated or misshapen districts will have lower Reock scores.

43. Other measures of compactness are possible. They measure slightly different aspects of the shapes of districts, but are almost always highly correlated with the Reock measure.

44. Statewide, HB 5005 reduced slightly the average compactness of HDs. The average Reock score dropped from .38 under the Benchmark Map to .36 under HB5005. See the bottom row of Table 2 for Reock Scores statewide.

45. Among the 12 Challenged Districts, however, HB 5005 decreased the average compactness (Reock measure) from .37 to .32, a 13.5 percent reduction in the average compactness. See Table 2. In the 88 other HDs in the map, by comparison, the average Reock was .38 under the Benchmark Map and .37 under HB 5005.

46. As a rule of thumb, a Reock score less than. .20 is considered highly non-compact. The original Gerrymander, a state senate district in Massachusetts created in 1812, had a Reock value of .19.

47. Under the Benchmark Map, five districts had Reock scores less than .20 (HDs 1, 14, 74, 77, and 93), two of which were among the Challenged Districts. Under HB 5005, seven HDs have Reock scores less than .20 (HDs 5, 13, 37, 48, 74, 77, and 95), three of which are among the Challenged Districts.

48. Under HB 5005, three of the 12 Challenged Districts have extremely low Reock scores. HD 95 is the least compact district in the entire map, with a

Reock score of .14. HD 74 is the second least compact district, with a Reock score of .16. HD 77 has a Reock score of .19.

49. Extremely large reductions in compactness occurred in HDs 63, 80, 89, and 95. The Reock compactness score of HD 63 was reduced from .61 to .25. This 36-point reduction (and 59 percent reduction) in compactness is the largest reduction in the Reock score of any HD from the Benchmark to HB 5005. The Reock score in HD 95 fell from .43 to .14, a 29-point reduction (and 67 percent reduction) in the compactness measure. The compactness in HD 89 was reduced 18 points on the Reock scale, from .58 to .40 (a 31 percent reduction in compactness). The compactness in HD 80 was reduced 13 points on the Reock scale, from .39 to .26 (a 33 percent reduction in compactness).

50. In sum, HB 5005 lowered the compactness among the 12 Challenged Districts at a much higher rate than elsewhere in the map. Most of the HDs in question had their compactness ratings lowered, one to the lowest in the entire map. The average compactness among the Challenged Districts dropped by 5 points on the Reock scale. Specifically, HDs 74, 77, and 95 have extremely low levels of compactness, and HDs 63, 80, 89, and 95 experienced extremely large reductions in their compactness. Among the other 88 districts in the Virginia House of Delegates, the average compactness was slightly higher to begin with, and dropped by just 1 point on the Reock scale.

51. Looking across the five areas where the Challenged Districts are located, it is evident that at least one HD in each of the areas is either highly non-compact or experienced a significant reduction in compactness. In the Dinwiddie-Greensville area, there was a significant reduction in the compactness of

HD 63. In Richmond, HD 74 has extremely low compactness. In Portsmouth, HD 77 has extremely low compactness, and HD 80 saw its compactness lowered substantially. In Norfolk, HD 89 had its compactness reduced substantially. In Hampton, HD 95 had its compactness reduced to the lowest in the entire map.

B. Split Counties

52. Respect for county and city boundaries is another traditional redistricting principle. Twenty-seven states have some standard for respect for political boundaries.[2]

53. Under the Benchmark Map, 59 Counties or independent Cities are split into more than one district. Three of the subdivisions have zero population – the portion of Botetourt County in HD 1, the portion of Hampton City in HD 100, and the portion of Prince George in HD 74.

54. Under HB 5005, 59 Counties or independent Cities are split into more than one district. One of the subdivisions has zero population – the portion of Virginia Beach City in HD 100. See Table 3.

55. Even though the total number of split Counties or Cities is the same in both maps, [3] HB5005 increased the splitting of county boundaries in the areas covered by the Challenged Districts. Under the Benchmark Map, there were 17 Counties or Cities for which some portion of their area was included in at least one of the 12 HDs, which created 29 divisions or portions of the Counties or Cities.

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[2] *See* Justin Levitt, "All About Redistricting," http://redistricting.lls.edu/wheretablestate.php

[3] In fact, when zero population subdivisions are excluded, the Benchmark Map had fewer County splits than HB 5005.

56. Under HB5005, there are 19 Counties or Cities for which some portion of their area was included in at least one of the 12 Challenged Districts. The division of the Counties and Cities across the 12 HDs created 33 divisions or portions of the Counties or Cities. See Table 3.

57. Most of the additional county and city splits occur in the Dinwiddie-Greensville area, HD 63 split one county under the Benchmark Map and four counties or cities under HB 5005. HD 75 split four counties or cities under the Benchmark Map, and eight counties or cities under HB 5005.

58. In the Portsmouth area, HD 80 additionally cuts Suffolk.

59. In the Richmond area, HD 70 is reoriented so that a plurality of its population no longer draws from the City of Richmond as discussed in Section V.

C. Split VTDs

60. HB 5005 increases the number of VTDs that are split across more than one HD, both statewide and among the VTDs in the Challenged Districts.

61. Statewide, there were 174 split VTDs under the Benchmark Map. There are 236 split VTDs under HB 5005.

62. Among the VTDs in the Challenged Districts, 30 VTDs were split between two or more HDs under the Benchmark Map. Under HB 5005, 52 VTDs of the VTDs in the Challenged Districts are split, a 73 percent increase in the number of split VTDs. That is an average of 4.3 split VTDs per HD. See Table 2.

63. The highest number of split VTDs in the entire map occurs in the DinwiddieGreensville districts: HD 75 (13) and HD 63 (8). HD 95 has the fourth highest

number of split VTDs (6). These districts also had the highest increase in the number of split VTDs. HD 63 went from 0 to 8; HD 75 went from 4 to 13; and HD 95 went from 1 to 6. Even excluding HD 63 and HD 75, the Challenged Districts had a higher average number of split VTDs than the 88 Non-Challenged districts. Among HDs 69, 70, 71, 74, 77, 80, 89, 90, 92, and 95, the average number of split VTDs was 3 1 per district

64. In the other 88 districts in the state, the number of split VTDs increased from 137 splits to 171 splits, a 25 percent increase. The average number of split VTDs among the other HDs was 2.0 per district, compared with 4.3 in the Challenged HDs.

65. In sum, the Challenged Districts had a much higher incidence of split VTDs than elsewhere in the Commonwealth. The rate of split VTDs in the Challenged Districts nearly doubled from the Benchmark Map to HB 5005. HB 5005 increased the VTD splits among those 12 HDs at a higher rate than elsewhere in the map. This was true even excluding HDs 63 and 75, the districts with the highest number of VTD splits in the entire map, from the analysis.

D. Overall Assessment of Geographic Features

66. The geographic compactness and number of county and VTD splits raise concerns about the extent to which traditional districting principles were compromised in each of the five areas in which the Challenged Districts are located.

67. There are extremely low measures of compactness arise in the Richmond Area (HD 74), the Portsmouth Area (HD 77), and the Newport News Area (HD 95).

68. There are unusually large reductions in compactness, compared with other districts in the map, in the Dinwiddie Area (HD 63), the Portsmouth Area (HD 80), the Norfolk Area (HD 89), and the Hampton Area (HD 95).

69. High numbers of split counties occur in the Dinwiddie-Greensville Area (HDs 63 and 75). The new map increased the number of split counties and cities in these districts from a combined total of 6 (of 11) counties or cities under the Benchmark Map to 12 (of 15) counties or cities in these districts under HB 5005.

70. Split VTDs occur at a much higher rate among the Challenged Districts on the whole – 4.3 split VTDs per Challenged District compared with 2.0 split VTDs in other districts. Unusually high numbers of split VTDs occur in the Dinwiddie-Greensville Area (HDs 63 and 75) and the Hampton Area (HD 95). Even excluding the Dinwiddie-Greensville outliers, the remaining Challenged Districts had on average 3.1 split VTDs compared with 2.0 split VTDs elsewhere in the HB 5005 map.

VII. Population and Racial Composition of Challenged Districts

71. The Challenged Districts are House Districts in which racial minorities constitute a majority of the Voting Age Population (VAP). Under the Benchmark Map, a majority of adults in each of HDs 63, 69, 70, 74, 75, 77, 80, 89, 90, 92, and 95 were African American, according to Census figures on the percent of the Voting Age Population that is Black (BVAP). Also, a plurality of adults in HD 71 was African American. African Americans plus other racial or ethnic minorities were a majority of the BVAP in HD 71; Whites comprised only 46.2 percent of the VAP under the

Benchmark HD 71. The BVAPs in the 12 Challenged Districts range from 46.3 to 62.7 under the Benchmark Map. See Table 4.

72. The Challenged Districts were, on the whole, under-populated according to the 2010 Census. The total population among these 12 HDs in 2010 was 880,953, or 73,413 persons per HD. The target population for each of these districts, which would make the populations of all districts exactly equal, is 80,010, or a total population across all 12 HDs of 960,120. Under HB 5005 the populations of the Challenged Districts averaged 79,809 (0.1 percent below the ideal), with a total population of 957,712.

73. Under the Benchmark Map, as of the 2010 Census, HDs 70 and 74 had sufficient population to satisfy the one-person, one-vote standard without altering their borders and without adding or removing people. HD 70 had a population of 79,380 persons under the Benchmark Map and a population of 79,382 persons under HB 5005. As discussed in Section V, HD 70 was reconfigured considerably. HD 74 had a population of 80,153 under the Benchmark Map and 79,594 under HB 5005.

74. HB 5005 adjusted the populations in each of the 12 districts so that every one of the Challenged House Districts now has a BVAP of at least 55 percent. The BVAPs in these districts range from 55.2 to 60.7. See Table 4.

75. HB 5005 increased the BVAP in HDs 63, 71, 75, 77, 80, and 89. In HDs 63, 75. 77, 80, and 89 a majority of adults were African American under the Benchmark map.

76. In order to ensure that every one of the Challenged Districts has BVAP above 55 percent and

to increase the population in the under-populated HDs, HB5005 brought VTDs into these districts with much higher BVAP than areas taken out, as discussed in Section VI. And, the reconfiguration of these districts kept in each district a core that was at least 55 percent BVAP.

77. It was not necessary to do that in order to maintain the existing majority BVAP HDs under the Benchmark Map. In HDs 70 and 74, no additional population (or reduction) was required for these HDs. In HDs 63, 69, 70, 74, 77, 90, 92 and 95, the population added to the HD could have had BVAP of 0 percent and the HD still would have been majority BVAP. To maintain a majority BVAP in HD 75, the population added to this district would have to be 12 percent BVAP. To maintain a majority BVAP in HD 80, the population added to this district would have to be 18 percent BVAP. To maintain a majority BVAP in HD 89, the population added to this district would have to be 18 percent BVAP. As noted in Section VII, the BVAP of the areas brought into these districts far exceeded what was required to maintain these as majority BVAP districts.

78. Below, in Section IX, this report addresses whether BVAP in excess of 55 percent was necessary to ensure that African Americans have the ability to elect their preferred candidates in each of these districts.

VIII. Race and Party in the Configuration of HDs Under the Benchmark Map and HB 5005

79. This section examines the extent to which race is a factor in the composition of the 12 Challenged HDs and whether race is a more important factor than party in determining which VTDs are included in the 12 Challenged Districts under HB 5005. Two types of

analyses are presented. The first type of analysis, presented in part A, compares the racial or partisan composition of areas that were moved into or moved out of the 12 HDs in question. If the areas moved into the districts have the same racial composition as the areas moved out of the districts, then there is no racial sorting. However, racial differences in the areas moved into or out of districts would reflect a degree of racial sorting in the configuration of the districts. Similarly, if VTDs are sorted by race in the area of the Challenged Districts, then VTDs that are moved out of a Challenged District and have high BVAP would be more likely to be moved into another Challenged District than into one of the other districts. Likewise, a VTD with a low BVAP that is moved out of a Challenged District would be more likely to be moved into a Non-Challenged District. In other words, this pattern would indicate that VTDs with high African American populations are moved to districts with high African American populations and those with high White populations are moved to districts with high White populations.

80. The second type of analysis, in part B, examines the extent to which racial composition and partisan vote predict or explain which VTDs are included in the Challenged Districts and which are not. If race or party explains the reconfiguration of the HDs, then we expect that factor will be a statistically important predictor of which VTDs were included in the 12 HDs in question and which were not. The analyses are performed for all 12 districts pooled (aggregate analyses) and for each individual district separately.

A. Racial and Partisan Composition of VTDs Moved In Versus Moved Out of the Challenged Districts

81. The VTDs in the Challenged Districts can be divided into those included in these HDs under the Benchmark Map and those included in these HDs under HB 5005. There are, then, VTDs that remained in each HD from the Benchmark Map to the HB 5005 Map; VTDs that were moved into one of the Challenged Districts; VTDs that were moved out of one of the Challenged Districts; and VTDs never in one of the Challenged Districts. Reconfiguring the districts did result in splits of some VTDs. There are 284 VTDs or parts of VTDs that were kept in the 12 HDs in question under the Benchmark Map and HB 5005 Map. Of these, 240 were kept in the same HD before and after redistricting, and 44 were moved between the 12 HDs in question. For example, 8 VTDs or parts of VTDs moved from HD 63 under the Benchmark Map into HD 75 under HB 5005. There are 61 VTDs that were moved INTO one of the 12 HDs in question from other HDs. There are 36 VTDs that were moved OUT of one of the 12 HDs in question and into an HD out of the set of Challenged Districts.

82. Table 5 presents the population moved into and out of each of the Challenged Districts. The figures show the magnitude of the changes. In most of the Challenged HDs, HB 5005 kept approximately 60,000 persons, moved in approximately 20,000 persons, and moved out approximately 12,000 persons. The composition of the population kept, moved in and moved out affects the racial composition of the resulting district.

83. Five HDs had relatively sizable populations that were moved out. These are HDs 70, 77, 80, 90 and 95. HD 70 has almost exactly the same total population under HB 5005 as it had under the Benchmark Map. HB 5005, however, substantially

reconfigured the population, moving out 25,946 persons and replacing them with 25,948 different persons. In the Portsmouth area, HB 5005 removed 18,608 persons from HD 77 and brought in 21,308 persons HD 80, under the Benchmark, was under populated by 9,000 persons. The remapping of this district removed 22,211 persons and moved the boundary to add an area with a population of 32,331 persons. In Norfolk, HD 90 was reconstituted by removing VTDs with combined population of 18,469 and replacing them with VTDs with population of 27,814. In Hampton, HB 5005 brought in 30,304 persons into HD 95, but also removed VTDs that had total population of 18,115 persons. See Table 5.

A.1. Racial and Partisan Composition of Areas Moved In and Out: Aggregate Analysis

84. The reconfiguration of the Challenged Districts had the effect of bringing into these HDs areas that had much higher BVAP than the areas moved out. Specifically, the BVAP in the 61 VTDs moved into the Challenged Districts is 41.6%. The BVAP in the 36 VTDs moved out of these 12 HDs is 29.0%. That is a difference in the BVAP of 12.6 percentage points between the areas moved in and the areas moved out of the HDs in question. See Table 6A.

85. The areas kept in these HDs from the Benchmark to the HB 5005 map had the highest concentrations of African Americans. Over all VTDs in these Districts under HB 5005, African Americans are 57.2 percent of the adult population. In the VTDs kept in these districts across the redistricting process, African Americans are 61.4 percent of adults.

86. One caveat is that an assumption about the allocation of population in the split VTDs is made. Specifically, it is assumed that the BVAP is the same percent in all portions of a split VTD. Restricting attention only to whole VTDs reveals an even larger difference in BVAP. The BVAP in the 27 whole VTDs moved into the Challenged Districts is 41.4%. The BVAP in the 21 whole VTDs moved out of these 12 HDs is 23.7%. That is a difference in the BVAP of 17.7 percentage points between the areas moved into these 12 HDs and the areas moved out.

87. The partisan differences between areas moved into and out of the Challenged Districts are much smaller than the racial differences. Table 6B parallels Table 6A, but presents the Democratic percentage of the two-party vote in Federal offices (the average of President 2008, President 2012, and US Senate 2012) and for Governor in 2013. The Federal offices are denoted F and Governor G. Elections for President, US Senate, and Governor are commonly used in the evaluation of districting plans, and the results of the elections examined are very highly correlated with other elections in the state.

87. In the VTDs moved INTO one of the Challenged Districts, the Democrats running for Federal office won, on average, 65.7 percent of the Democratic plus Republican vote. In the VTDs moved out of these HDs, Democrats won 59.4 percent of the two-party vote. That is a difference in the Democratic percent of the Federal vote of 6.3 percentage points between the areas moved into these 12 HDs and the areas moved out. The analogous difference in the Democratic percent of the vote for Governor is 6.1 percentage points (66.1 versus 60.0). See Table 6B. By comparison, the racial difference between the areas

moved in and the areas moved out is 12.6 points – more than double the partisan difference.

88. Restricting attention only to whole VTDs, difference in the share of the vote won by Democrats in Federal offices between the areas moved into and the areas moved out of the 12 HDs in question is 7.5 percentage points (65.2 in versus 57.7 out). The difference in the 2013 Governor vote between areas moved into and areas moved out of the 12 HDs is 8.4 percentage points. By contrast, the racial difference between the whole VTDs moved in and moved out of these HDs is 17.7 points – more than two times larger than the partisan differences.

89. A sharper comparison is drawn by focusing on the racial composition of districts into which VTDs are moved. Two sorts of comparisons are informative. First, look only at VTDs that ended up in a Challenged District. Compare those VTDs that moved from one Challenged District to another with those that were kept in the same Challenged District from the Benchmark Map to HB 5005. The racial differences are stronger than partisan differences in this comparison. HB 5005 moved 44 VTDs between the Challenged Districts. HB 5005 left 240 VTDs or parts of VTDs in the districts that they were in under the Benchmark Map. Among the 44 VTDs moved between Challenged Districts, the BVAP was 55.0 percent. Among the 240 VTDs kept in the same HDs from the Benchmark Map to HB5005, the BVAP was 62.4 percent – 7.4 percentage points higher. *See* columns 1 and 2 in Table 7.

90. The partisan vote was only 4 to 5 percentage points higher in the areas kept in the same HD than in the areas moved between two Challenged Districts. See Table 7. Even among the areas moved between pairs of Challenged Districts, there were stronger

racial differences than partisan differences in the composition of the VTDs affected.

91. The second comparison to draw is between the types of HDs to which VTDs were moved. In this analysis, I contrast the BVAP of those VTDs moved out of a Challenged District and into another Challenged District with those VTDs moved out of a Challenged District and into one of the 88 Non-Challenged Districts. The Challenged Districts are districts with high BVAP. The Non-Challenged Districts had relatively low BVAP. A further indication of racial sorting is the extent to which high BVAP VTDs are moved into Challenged Districts and relatively low BVAP VTDs are moved into Non-Challenged Districts.

92. There are large differences in BVAP between those VTDs moved between Challenged Districts and those VTDs into one of the other 88 HDs. Specifically, the BVAP is 55.0% in the VTDs moved out of one of the Challenged Districts and into another. The BVAP is 29.0% – 26.0 points lower – in VTDs moved out of one of the 12 Challenged HDs in question and into one of the 88 other HDs. Compare the second and fourth columns of the first row of Table 7.

93. The partisan differences, overall, are about 9 percentage points smaller than the BVAP differences for this comparison. The Democratic percent of votes is 76.4% in the VTDs moved out of one of the 12 HDs in question and into another. The Democratic percent of the vote in VTDs moved out of one of the 12 HDs in question and into some other HDs is 59.4% – a difference of 17 points. Compare the second and fourth columns of the second and third rows of Table 7.

94. In sum, there are greater racial differences than partisan differences between the VTDs moved into and the VTDs moved out of the Challenged Districts. This is true overall and taking into consideration the sorts of HDs into which the VTDs were moved. This indicates that compared with the Benchmark Map, HB 5005 sorted the VTDs in the area around the 12 HDs in question more strongly along racial lines than along partisan lines.

A.2. District-Specific Analysis

95. I further analyzed the racial composition and partisan vote in the areas moved into and out of each of the Challenged Districts. Table 8 presents the racial composition and voting patterns (Democratic Percent of the Average Vote for Federal Office) in each of the Challenged Districts, grouped by area.[4]

96. Each of the areas in question shows some evidence that the reconfiguration of the districts sorted VTDs along racial lines, and the degree of racial sorting was greater than the degree of party sorting on the whole. The effects are particularly large among the HDs in the Dinwiddie-Greensville, Richmond, Portsmouth, and Norfolk areas. In each of these areas, there was at least one HD for which the BVAP of the areas moved into that HD differed from the BVAP of the areas moved out of that HD by 10 percentage points or more.

97. The areas kept in each HD have BVAPs in excess of 55 percent. In every instance but HD 71, the areas kept in each district had BVAP higher than the areas moved into the HDs. And in every instance but

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[4] I also examined the vote in specific offices, but report the Average Federal Vote to keep the table simpler. The results are substantively the same.

HD 71, the BVAP of the area kept in each district was larger than the BVAP of the overall district. See the last column of Table 8, and also, by comparison, the fourth column of figures in Table 4.

98. In the Dinwiddie area, the areas moved into HD 63 had 15.4 percentage points higher BVAP than the areas moved out of that district. The areas moved into HD 75 had 10.8 percentage points higher BVAP than the areas moved out of that district.

99. In the Richmond area, the areas moved into HD 71 had 50.8 percentage points higher BVAP than the areas moved out of that district. The areas moved into HD 70 had 16.1 percentage points lower BVAP than the areas moved out of that district, and the areas moved into HD 74 had 17.8 percentage points lower BVAP than the areas moved out of that district. These shifts reflect the movement of predominantly African American areas into HD 71 in order to produce a BVAP in that district above 55 percent.

100. In the Portsmouth area, the areas moved into HD 77 had a BVAP that was 18.3 percentage points higher than the BVAP in the areas moved out of that district, and HD 80 had a BVAP that was 5.3 percentage points higher than the BVAP in the areas moved out of that district.

101. In the Hampton area, the areas moved into HD 92 had a BVAP that was 10.5 percentage points higher than the BVAP in the areas moved out of that district.

102. In most of these areas, the magnitude of the difference in BVAP between the areas moved into the districts and the areas moved out of the districts exceeded the magnitude of the difference in the party vote. The HD that stands out in this respect is HD 71. The BVAP of the areas moved into this district was

50.8 points higher than the BVAP in the areas moved out. The difference in the average vote share in federal offices, by comparison, was only 16.8 percentage points. Again, in order to accommodate the increase in BVAP in HD 71, HDs 70 and 74 gave up areas with high concentrations of adult African Americans.

103. A more detailed look at the racial composition of the districts into which or out of which the VTDs were moved reveals even larger racial differences. Table 9 presents a more fine-grained assessment of the patterns in Table 8. Table 9 distinguishes where VTDs that were moved into Challenged Districts originated – from Challenged Districts or other HDs. Table 9 also distinguishes where VTDs that were moved out of Challenged Districts went – into Challenged Districts or into another HD. This closer analysis unmasks even more movement along racial lines in the districting process.

104. The extent to which race matters is seen more sharply with a more targeted comparison of the types of districts into which VTDs that were taken out of each Challenged District (Table 8).

105. This comparison is possible for HDs 69, 71, 74, 80, 89, 90, and 92. It is not possible for the Dinwiddie-Greensville area (HDs 63 and 75) or for HDs 70, 77, and 95. It is not possible to draw the comparison for HDs 75 and 77 because no VTDs were moved into other Challenged Districts. It is not possible to draw comparisons for HDs 63, 70, and 95 because no VTDs were moved into one of the 88 Non-Challenged HDs.

106. In the Richmond area, the VTDs moved out of HDs 71 and 74 were sorted into other HDs strongly along racial lines. The BVAP of those VTDs moved out of HD 71 into other Challenged Districts was 58.1

percent, while the BVAP of those VTDs moved out of HD 71 into some other HDs was just 6.6 percent – this is a 51.5 percentage point differential. The analogous difference in Democratic vote share was 31.4. HD 74 exhibited similarly large differences in BVAP between areas moved into other Challenged Districts. The difference in BVAP between VTDs moved to other Challenged Districts and VTDs moved to other districts was 48.5 percentage points for HD 71. The partisan difference, by contrast, was 34.6 points. The districting process, then, in the Richmond area was following the racial composition to a greater extent than partisan vote share in moving VTDs out of the Challenged Districts.

107. The Portsmouth area shows a similarly large racial effect among VTDs moved out of HD 80. The BVAP of VTDs moved out of HD 80 into other Challenged HDs was 47.7 percentage points higher than that of the VTDs moved into other HDs. The partisan difference between these VTDs was 18.9 points.

108. In the Norfolk area, HDs 89 and 90 show substantial differences in BVAP between the areas moved into other Challenged Districts and the areas moved into other HDs. These differences are 20.2 points in HD 89 and 15.1 points in HD 90. By comparison the analogous partisan differential was 13.2 points in HD 89 and 6.8 points in HD 90.

109. In sum, the analyses in Tables 8 and 9 show that, in every area where a Challenged District is located, there were differences in the racial composition of the areas moved into and the areas moved out of the districts in question. Those differences typically exceeded the partisan differences between the areas moved into and out of the districts. Closer examination

of the areas moved out of seven Challenged Districts showed even sharper racial effects between areas moved between two Challenged Districts and areas moved out of a Challenged District into some other (non-Challenged) HD. Further the areas kept in each HD from the Benchmark Map to HB 5005 had very high BVAP, higher than the overall BVAP in the district.

B. Effect of Race and Party on Likelihood of Inclusion of VTDs in 12 Challenged Districts

110. This subsection measures the extent to which race and partisanship are related to and predict which VTDs were included in one of the 12 HDs in question. Tables 7, 8 and 9 suggest that the movement of VTDs into one of these HDs is related to racial and partisan composition of districts and that race is the stronger factor. Further statistical analyses presented here confirm the importance of race as a factor in the configuration of the Challenged HDs and reveal that race is a stronger factor in explaining which VTDs were put into the Challenged Districts.

111. Correlations, partial correlations, and multiple regressions measure the strength of the relationship between race, party, and the likelihood that a VTD is included in one of the 12 HDs. The correlation measures the extent to which two variables are related, regardless of other variables. Perfect positive correlation equals 1, and a perfect negative correlation is -1. Partial correlation measures the extent to which two variables are related holding constant other variables. The partial correlation, then, between Inclusion of a VTD in one of the 12 HDs and BVAP would hold constant the Democratic Vote Share. Multiple regression measures the strength of a variable, such

as BVAP or Democratic Vote Share, holding constant other variables, when predicting the likelihood of a given outcome, in this case whether a VTD is included in one of the 12 Challenged Districts.

B.1. Correlations and Partial Correlations

112. Race and party are both correlated with the likelihood that a VTD is included in one of the HDs in question. The likelihood that a VTD is included in one of the 12 HDs is correlated .70 with BVAP and .52 with Democratic Vote Share. See the first column of Table 10.

113. The strongest correlate with whether a VTD is included in one of the 12 HDs under HB 5005 is whether the VTD was in one of those HDs under the Benchmark Map. The correlation is .87. See Table 10. As indicated in the previous subsection, though, the areas kept in the Challenged Districts had the highest BVAP of the different sets of VTDs (those kept in, those moved in, those moved out and those never included in a Challenged District), indicating that this correlation is also a function of race.

114. Holding other factors constant using partial correlations shows that race remains an important predictor of the likelihood that a VTD is included in one of the 12 HDs, but party becomes insignificant. First, holding constant whether the VTD was included in one of the 12 Challenged Districts under the Benchmark Map and Democratic Vote Share, the likelihood that a VTD is included in one of the 12 HDs under HB 5005 is correlated .25 with BVAP. That partial correlation is statistically different from 0 with probability greater than 99 percent. Second, holding constant whether the VTD was included in one of the 12 Challenged Districts under the Benchmark Map and BVAP,

the likelihood that a VTD is included in one of the 12 Challenged Districts under HB 5005 is correlated .02 with Democratic Vote for President in 2008, .03 with the Average Democratic Vote for Federal Office (President or Senate), and .05 with Democratic Vote for Governor in 2013. None of these partial correlations is statistically distinguishable from 0. Third, holding constant BVAP and Democratic Vote Share, the likelihood that a VTD is included in one of the 12 HDs under HB 5005 is correlated .75 with the fact that the VTD was included in one of the 12 HDs under the Benchmark Map. Again, these are areas with higher than average BVAP. *See* the Second column of Table 10.

B.2. Multiple Regression Predicting Which VTDs are Included in 12 Challenged Districts

115. Multiple regression is a commonly used way to measure the effects of an explanatory variable, such as race and party, on an outcome variable, in this case the likelihood that a precinct is included in one of the 12 HDs in question. Multiple regression measures how much more likely a VTD is to be in one of the 12 HDs in question if the BVAP is one percent higher in a given VTD, holding constant the Democratic Vote Share and whether the VTD is already included in one of these 12 HDs or not.

116. The first column of Table 11 presents the effect of BVAP given Democratic Vote Share of an HD and of Democratic Vote Share given BVAP. These estimates compare race and party head-to-head. The effect of the variable (or coefficient) is in bold and the measure of uncertainty (standard error, which is one half the margin of error) is in parentheses. The coefficient on BVAP is 1.021, meaning that a 1 percent increase in

BVAP, holding constant the Democratic Vote Percent, corresponds with a 1 percent higher likelihood that a VTD is included in one of the Challenged Districts. The coefficient on Average Democratic Vote for Federal office is .145, one-seventh the magnitude of the coefficient on BVAP. A one percent higher Democratic Vote Percent, holding constant the BVAP, corresponds to a one-eighth of one percent higher likelihood that the VTD is included in one of the Challenged Districts.

117. The estimates in the first column of Table 11 do not control for whether a VTD is already in one of the 12 Challenged Districts. Because VTDs with high BVAP were already included in the 12 HDs in question, the indicator of whether the VTD is already in one of these HDs necessarily is correlated with race. The VTDs that were already in the Challenged Districts had very high BVAP to begin with, averaging 57 percent BVAP.

118. The importance of race as a factor in the reconfiguration of the Challenged Districts remains clear even after holding constant whether a VTD was in or not in one of the 12 HDs in question. A VTD that had 10 percent higher BVAP than a similar VTD (in partisan terms) was 3.5 percent more likely to be in one of the Challenged Districts.[5] Party becomes statistically insignificant and has only a slight effect in predicting which VTDs are included in the 12 HDs in question. A VTD that had 10 percent higher Democratic Vote Share than a similar VTD (in racial terms) was .2 to .5 percent more likely to be in one of the Challenged Districts.[6] The effect of BVAP is 7 to

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[5] That is 10 percent times the estimated coefficient of .35.

[6] That is 10 percent times the coefficient corresponding to Democratic Share of Votes, ranging from .025 to .054.

13 times larger than the effect of Democratic Vote Share in predicting which VTDs ended up in one of the Challenged Districts.

119. Table 12 presents a parallel analysis to Table 11, but within each of the 5 areas in which the Challenged Districts are located. First, each area is defined as the set of counties and cities in the area from which the relevant districts are drawn. For example, the area of the four Richmond districts is defined as Richmond, Henrico, Charles City, and Chesterfield.[7] Second, a VTD is considered as in a Challenged District if it is in one of the districts. Third, multiple regression is used to predict whether a VTD is in one of the Challenged Districts in an area, and the predictors are the BVAP, the Average Democratic Vote Share for Federal Office, and an indicator of whether the VTD was in one of the Challenged Districts in the area under the Benchmark Map.[8]

120. Race is a strong predictor of whether a VTD is included in one of the Challenged Districts in each of the areas. The first row presents the estimated effect of an additional percent BVAP on the likelihood that a VTD is included in one of the HDs in question. In every area BVAP is a statistically significant predictor of the likelihood that a VTD ends up in one of the Challenged Districts.

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[7] In this analysis Dinwiddie-Greensville is Dinwiddie, Greensville, Emporia, Franklin City, Brunswick, Isle of Wight, Lunenburg, Prince George, Southampton, Suffolk, Surry, Sussex, Chesterfield and Hopewell. Portsmouth is Portsmouth, Chesapeake, Norfolk, and Suffolk. Norfolk is Norfolk and Virginia Beach. Hampton is Hampton, Newport News, and Poquoson.

[8] Other measures of the vote were used, including Democratic vote share for Governor 2013, President 2008, and President 2012.

121. Party is not a statistically significant predictor of whether a VTD is included in one of the Challenged Districts in each of the areas. The second row presents the estimated effect on an additional percent Democratic in the two-party vote share on the likelihood that a VTD is included in one of the Challenged Districts. In every instance Democratic Vote for office fails to register a statistically significant effect on the likelihood that a VTD ends up in one of the Challenged Districts. In every instance the magnitude of the effect of race exceeds the effect of party. The relationship between party and inclusion in one of the Challenged Districts is consistently negative, but statistically insignificant.

122. Finally, as with the analysis in Table 10, the results in Table 12 reveal that whether a VTD is in a Challenged District is a very strong predictor of whether that VTD remains in one of the Challenged Districts in the area. This factor has the effect of maintaining a high BVAP as the starting point for redistricting, as the average BVAP among these HDs was 57.0 percent under the Benchmark Map, and the areas kept in from the Benchmark to HB 5005 have an average BVAP of 62.4 percent.

C. Summary

123. In sum, BVAP of VTDs is a much stronger predictor than Democratic Share of Votes in predicting which VTDs are included one of 12 Challenged Districts under HB 5005. That pattern holds true across several different ways of considering whether party or race is a stronger factor in the configuration of these districts.

124. The first pattern considered was whether the difference in BVAP between VTDs moved into and out

of the 12 Challenged Districts was greater than the difference in Democratic Vote Share between VTDs moved into and out of these districts. The differences in BVAP were twice as large as the partisan differences.

125. The second pattern considered were simple correlations between an indicator of whether a VTD was included in one of the 12 Challenged Districts under HB 5005 and BVAP and Democratic Vote Share. The correlation of Inclusion of a VTD in one of the 12 Challenged Districts and BVAP was .70, while the correlation between Inclusion of a VTD in one of the 12 Challenged Districts and Democratic Vote Share was .50.

126. The third pattern was the partial correlation between Inclusion of a VTD in one of the 12 Challenged Districts and BVAP holding Democratic Vote Share constant and Democratic Vote Share holding BVAP constant. BVAP remained significantly correlated, but Democratic Vote Share became insignificant.

127. The fourth and final pattern used multiple regression to measure the strength of race and of party as predictors of whether a VTD was included in one of the 12 Challenged Districts under HB 5005. Head-to-head, race proved to be a much stronger predictor. The effect of BVAP on the likelihood that a VTD was included in one of the 12 Challenged Districts was 7 to 13 times larger than the effect of Democratic Vote Share.

128. The pattern observed statewide in the multiple regressions remains true within the local areas in which the Challenged Districts are located. Race is a

stronger predictor than is party of which VTDs are put into the Challenged Districts and which are not.

129. Across all four of these analyses, race is the predominant factor, over party, in determining which areas were included in the Challenged Districts under HB 5005.

IX. Racial Voting Patterns in 12 Challenged Districts Under the Benchmark Map and HB5005

130. So far, this report has provided evidence that the configuration of the Challenged Districts in each of 5 areas of Virginia lacks compactness and, in the Dinwiddie and Hampton areas, crosses unusually high numbers of county or precinct boundaries. Further, the report has documented that race is a strong factor in explaining the reconfiguration of the HDs. Every one of the Challenged Districts has BVAP in excess of 55.0 percent under HB 5005. The movement of VTDs into the Challenged Districts is strongly correlated with the BVAP in the Districts. In the regression analysis there is a 1:1 correspondence between BVAP and the likelihood that a VTD is included in one of the Challenged Districts, holding party constant. And race is a much stronger factor than party in explaining which VTDs were incorporated into the Challenged Districts under HB 5005.

131. A possible explanation for this reconfiguration is that it was necessary to have BVAP in excess of 55 percent in these districts in order to provide African Americans the ability to elect the candidates that they prefer.

132.I know of no statistical analysis conducted in conjunction with the districting process to ascertain whether the Challenged Districts were districts in

which African Americans already had the ability to elect their preferred candidates under the Benchmark Map, whether the Challenged Districts are districts in which African Americans have the ability to elect their preferred candidates under the HB 5005, or whether the 55 percent threshold is necessary to ensure the election of candidates preferred by African Americans.

133. I offer such an analysis here. This analysis is also relevant to assessing whether there is racial cohesion among African Americans, racial cohesion among Whites, and racially polarized voting, with clear majorities of Whites and African Americans voting for opposing candidates. Such facts are relevant in the application of the Voting Rights Act to redistricting. In particular, it may be necessary to create majority African American HDs if majorities of Whites oppose majorities of African Americans in an area.

134. The analyses in this section will demonstrate that each of the Challenged Districts functioned as districts in which African Americans had the ability to elect their preferred candidates under the Benchmark Map, and that this remains true under HB 5005 as well.

135. The analyses further show that not all of the Challenged Districts exhibited racially polarized voting under the Benchmark Map and under HB 5005. Specifically, HD 69, HD 70, HD 71 and HD 89 lacked racially polarized voting, and in HDs 80 and 95 White Cohesion was low.

136. Finally, the analysis reveals that none of the HDs required a BVAP in excess of 55 percent in order to ensure that African Americans had the ability to elect their preferred candidates.

A. Cohesion and Polarization: Ecological Regression Analysis

137. In order to determine whether each of the Challenged Districts functioned as districts in which African Americans can elect their preferred candidates one must determine, first, which candidates are the preferred candidates of African Americans, Whites, and others, and, second, whether the preferred candidates win elections under a given district plan.

138. Ecological regression analyses were performed in order to estimate the rate with which adult African Americans, Whites, and Other Racial Groups vote for specific candidates. Ecological regression predicts election outcomes at the level of Voting Tabulation District (VTD) as a function of the Percent of the Voting Age Population that is White, that is African American, and that is of other groups. Such analyses were performed for all VTDs in the State of Virginia, for each House of Delegates district under the Benchmark Map and under HB 5005, for all VTDs in the 12 Challenged Districts, and for all VTDs in the other 88 HDs. The elections examined are for President in 2008, President in 2012, US Senator in 2012, the average of these three federal offices, and for Governor of Virginia in 2013. These are recent elections that do not involve candidates running for the legislative seats in question (sometimes called exogenous elections) and that are statewide. I also examined elections for the House of Delegates for 2011 and 2013 (sometimes called endogenous elections). Each of the analyses estimates the share of the Two-Party (Democrat plus Republican) vote won by the Democrat among each of the racial groups. The Republican share of the Two-Party vote is one minus the Democrat share. In

Thornburg v. Gingles 478 US 30 (1986), the Supreme Court of the United States identified ecological regression as an acceptable method for determining which candidates are the preferred candidates of racial groups for purposes of assessing the cohesiveness of groups and the extent of racially polarized voting.

139. I know of no analysis of racial cohesion and polarization in voting performed as part of the district process statewide. For completeness and for purposes of comparison with the Challenged Districts, such an analysis is presented in Table 15, which presents the estimated percent won by the Democrat for each of the racial groups (Whites, African Americans, and those of Other races and ethnicities) in federal and state races. The analysis was performed for all VTDs in the Commonwealth of Virginia, for the VTDs in the Challenged Districts, and for the VTDs in the non-Challenged Districts.

140. The focus, here, is on the degree of racial cohesion and polarization in voting in the VTDs covered by the Challenged Districts. Table 13 presents the estimated shares of votes won by Democratic candidates in statewide Federal Races in 2008 and 2012 and for Governor in 2013 among African Americans, Whites, and those of Other Races.

141. In every district African Americans exhibit high rates of cohesion in their voting. Estimates put the percent of African Americans voting for Democratic candidates from 86 percent to 100 percent in every one of the Challenged Districts under the Benchmark Map and under HB 5005. *See* the first two columns in Table 13.

142. White cohesion varies across the districts. First, some districts exhibit high rates of White

cohesion in voting. In HDs 63, 75, 77, 90, and 92 under the Benchmark Map, Whites exhibited fairly high cohesion, voting 70 to 85 percent for Republican candidates.

143. Likewise, these districts exhibit high rates of polarization because large majorities of Whites vote in the opposite way as large majorities of African Americans. That is the case in the Dinwiddie-Greensville area HDs 63 and 75. Polarization is relatively high in HD 77 in Portsmouth, HD 90 in Norfolk, and HD 92 in Hampton.

144. Second, some districts exhibit relatively low cohesion, though a majority of Whites still vote opposite to a majority of Blacks. This is true in HDs 74 in Richmond (the northern and eastern district in this region), HD 80 in Portsmouth, and HD 95 in Hampton. In these districts, at least as they were configured under the Benchmark Map, Whites vote 52 to 60 percent for the Republican candidates.

145. Third, three of four districts in Richmond and one of the Norfolk districts exhibit no polarization under the Benchmark Map. Under the configuration of the Benchmark Map, a strong majority of Whites in HDs 69, 70, and 71 in the Richmond Area and in HD 89 in Norfolk voted for the same candidates that African Americans preferred.

146. Redistricting under HB 5005 altered the composition of the White electorate in HDs 70 and 95 substantially. In HD 70 under the Benchmark Map, a majority of Whites in the district voted the same way as a majority of African Americans. In other words, voting in the district was not racially polarized. Under HB 5005, however, Whites in HD 70 are cohesive and a sizable majority (70 percent) vote opposite to the way

that a majority of African Americans vote. Changes in district boundaries with HB 5005 altered the composition of the White electorate in this district. Twenty-six percent of Whites in the new boundary voted for the same candidate preferred by African Americans for Governor, and 27 percent of Whites in the new boundary voted for the same candidate preferred by African Americans in the three federal offices examined. Racial polarization arose because the areas of Henrico and Chesterfield that were moved into HD 70 exhibit much sharper levels of racial polarization in voting than did the areas of the City of Richmond that were removed (especially precincts 508, 402, and 609).

147. Similarly, HD 95 had relatively low levels of White Cohesion, but the population added to the district brought in Whites who vote in the opposite way as African Americans in that area.

148. HD 89 did not exhibit racially polarized voting between African Americans and Whites, yet HB 5005 increased the percent of the Voting Age Population that is African American from 52.5 percent to 55.5 percent. HD 69 does not exhibit racially polarized voting either.

B. Ability to Elect

149. The second type of evidence required to assess whether a district creates an opportunity for minorities to elect their preferred candidates is the electoral performance of candidates preferred by minorities in the VTDs or precincts encompassed by the districts in question.

150. Since the passage of HB 5005 there have been two general elections for the House of Delegates in the State of Virginia. Table 14 presents the results of those

elections for each of the Challenged Districts. Table 14 also presents the results of the 2007 and 2009 House of Delegate elections in the analogous districts under the Benchmark Map.

151. In every one of the Challenged Districts under HB 5005 and under the Benchmark Map the candidates preferred by African Americans won the general election. In the large majority of cases the race was uncontested. When there was a contest the candidate preferred by African Americans won by a comfortable margin. The lowest vote share for such a candidate was 62 percent, in HD 75 in 2013.

152. It is further possible to analyze the vote for candidates for other offices, such as President, US Senate, and Governor, in the VTDs encompassed by each of the districts under the Benchmark Map and under HB 5005. Tables 15A and 15B present returns for President 2008, President 2012, US Senate 2012, and Governor 2013 in each of the Challenged Districts.

153. In each of the Challenged Districts, the candidate preferred by African Americans won majorities of the votes under HB 5005 and under the Benchmark Map in every election considered.

154. In sum, HB 5005 did not reduce or increase the ability of African Americans to elect their preferred candidates in the Challenged Districts. African Americans were easily able to elect their candidates of choice under the Benchmark Map in each of the Challenged Districts, and they are able to elect their preferred candidates under HB 5005 in each of the Challenged Districts.

C. A 55 Percent Threshold Was Not Necessary

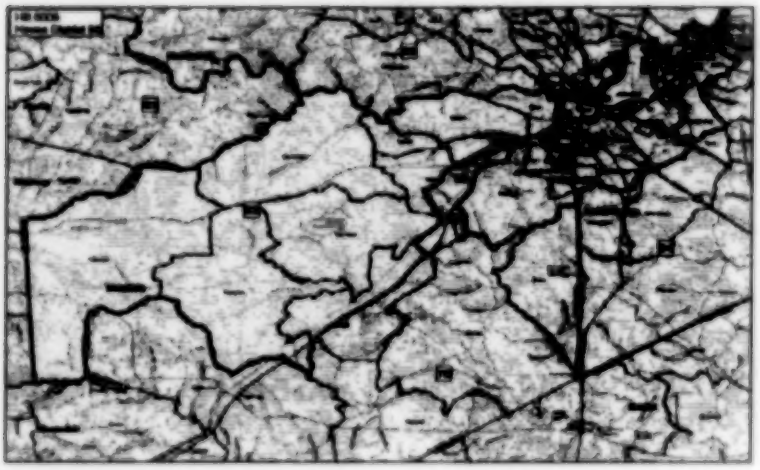
155. The data in Tables 13 and 14 reveal that African Americans were able to elect their preferred candidates in each of the Challenged Districts by very large margins, usually in excess of 75 percent of the vote.

156. As noted above, each of the Challenged Districts has BVAP of at least 55 percent under HB 5005.

157. Using the estimates of racial cohesion in Table 13 and information on the composition of the districts in Table 4, I calculate whether it was necessary to have 55 percent BVAP in order for these HDs to elect candidates preferred by African Americans. I assume the same rate of White cohesion and Black cohesion and same composition of the electorate as in the Benchmark Map. I then add enough BVAP to create a district that is exactly 50 percent BVAP and calculate the expected share of the vote received by the candidate preferred by African Americans. In every case, the candidates preferred by African Americans would receive well in excess of half of the votes for President, Senator, and Governor, and would receive over 55 percent of the votes for House of Delegates (in the elections for which there were contested elections). A 55 percent BVAP threshold then is not necessary to ensure that African Americans had the ability to elect their preferred candidates.

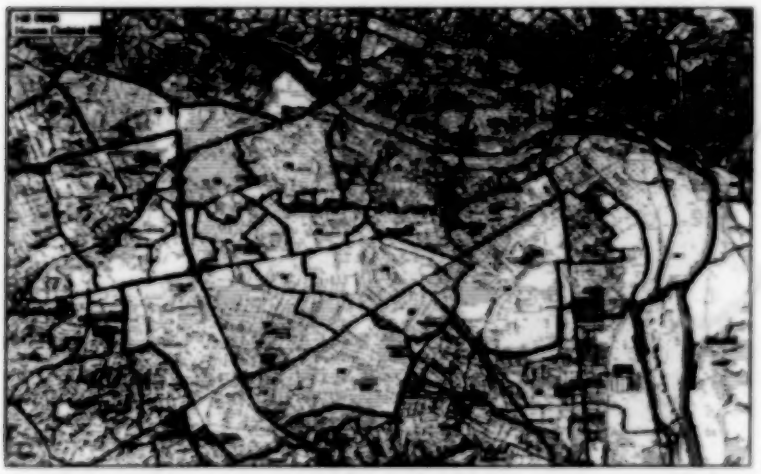
/s/ Stephen Ansolabehere
Stephen Ansolabehere
March 11, 2015
Cambridge, Massachusetts

MAP A



MAP B

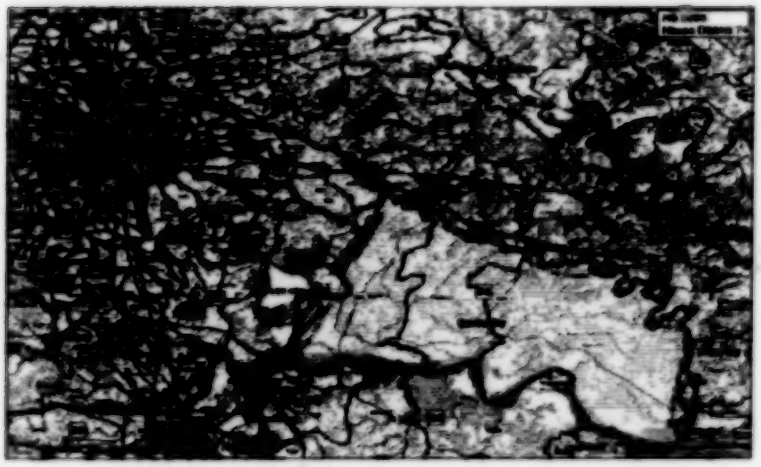
MAP C



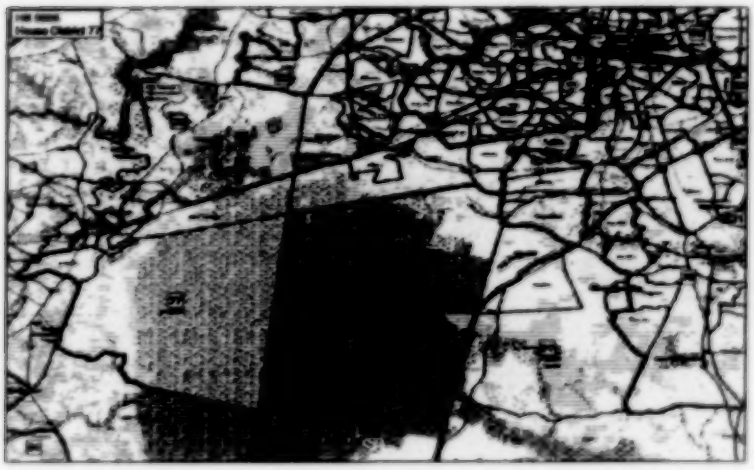
MAP D

MAP E

MAP F

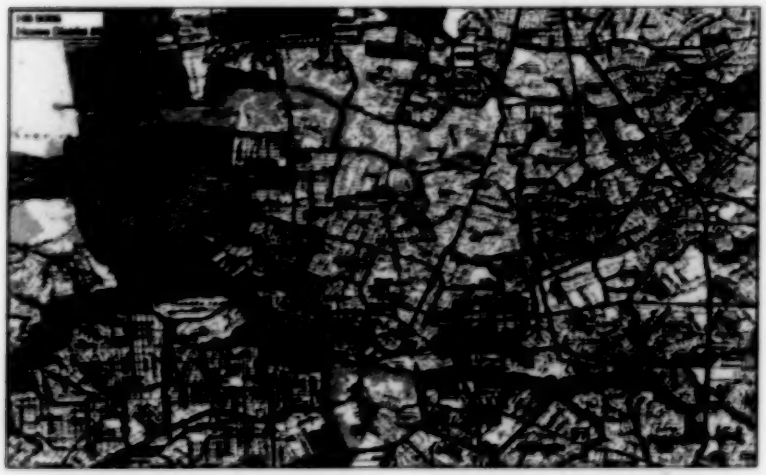


MAP G



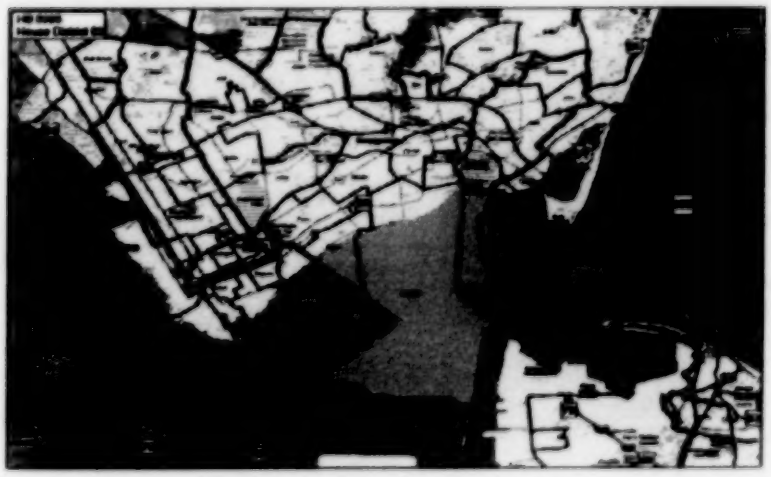
MAP II

MAP I



MAP J

MAP K



MAP L

Table 1. Location of and Counties and Cities in 12 Challenged Districts under the Benchmark Map and under HB 5005		
Dinwiddie-Greensville		
District	*Benchmark*	*HB5005*
63	Chesterfield (s), Dinwiddie, Petersburg City	Chesterfield (s), Dinwiddie (s), Hopewell (s), Petersburg City, Prince George (s)
75	Brunswick (s), Emporia City, Franklin City (s), Isle of Wight (s), Greensville, Lunenberg (s), Southampton (s), Sussex	Brunswick (s), Dinwiddie(s), Emporia City, Franklin City (s), Greensville, Isle of Wight (s), Lunenberg (s), Southampton (s), Surry (s), Sussex (s)
Richmond		
69	Chesterfield (s), Richmond City (s)	Chesterfield (s), Richmond City (s)
70	Chesterfield (s), Henrico (s), Richmond City (s)	Chesterfield (s), Henrico (s), Richmond City (s)
71	Henrico (s), Richmond City (s)	Henrico (s), Richmond City (s)
74	Charles City, Henrico (s), Hopewell City (s), Prince George (0), Richmond City (s)	Charles City, Henrico (s), Richmond City (s)
Portsmouth		
77	Chesapeake (s), Suffolk (s)	Chesapeake (s), Suffolk (s)
80	Chesapeake (s), Norfolk (s), Portsmouth (s)	Chesapeake (s), Norfolk (s), Portsmouth (s), Suffolk (s)
Norfolk		
89	Norfolk (wh)	Norfolk (wh)
90	Chesapeake (s), Norfolk (s), Virginia Beach (s)	Norfolk (s), Virginia Beach (s)
Hampton		
92	Hampton (wh)	Hampton (wh)
95	Hampton (s), Newport News (s)	Hampton (s), Newport News (s)
(0) means zero population in part (s) means district splits boundary (wh) means district is wholly inside of no comment means area is wholly inside of a district		

Table 2. Geographic Compactness and Voting Tabulation District Splits in Challenged House Districts and Statewide, Under the Benchmark and HB5005 Maps				
	Compactness Reock		Split VTDs	
District Number	Benchmark	HB5005	Benchmark	HB5005
63	.61	.25	0	8
69	.37	.52	2	4
70	.47	.40	2	3
71	.24	.33	1	3
74	.16	.16	3	3
75	.42	.41	4	13
77	.18	.19	4	3
80	.39	.26	2	1
89	.58	.40	4	4
90	.35	.46	4	4
92	.28	.34	3	0
95	.43	.14	1	6
Average	.37	.32	2.5 (30 total)	4.3 (52 total)
State			174	236
Average	.38	.36	1.7	2.4
Max	.61	.62	12	13
Min	.16	.14	0	0

Table 3. County and City Divisions under the Benchmark Map and under HB 5005, in 12 Challenged Districts and Statewide		
District	Benchmark	HB 5005
63	Chesterfield	Chesterfield, Dinwiddie, Hopewell City, Prince George
69	Chesterfield, Richmond City	Chesterfield, Richmond City
70	Chesterfield, Henrico, Richmond City	Chesterfield, Henrico, Richmond City
71	Henrico, Richmond City	Henrico, Richmond City
74	Henrico, Hopewell City, Prince George (0), Richmond City	Henrico, Richmond City
75	Brunswick, Franklin City, Isle of Wight, Lunenberg, Southampton	Brunswick, Dinwiddie, Franklin City, Isle of Wight, Lunenberg, Southampton, Surry, Sussex
77	Chesapeake, Suffolk	Chesapeake, Suffolk
80	Chesapeake, Norfolk, Portsmouth	Chesapeake, Norfolk, Portsmouth, Suffolk
89	Norfolk City	Norfolk City
90	Chesapeake, Norfolk City, Virginia Beach City	Norfolk City, Virginia Beach City
92	Hampton City	Hampton City
95	Hampton City, Newport News	Hampton City, Newport News
Number of Counties or Cities Divided	17	19
Number of Divisions	29	33
Statewide		
Number of Counties or Cities Divided	59	59
Number of Divisions	190	197
(0) means zero population included in the split area.		

Table 4. Population and Racial Composition of Challenged Districts in the Benchmark and HB5005 Maps

	Population		Black Voting Age Population		Hispanic Voting Age Population	
District Number	Benchmark	HB5005	Benchmark	HB5005	Benchmark	HB5005
63	73,723	79,602	58.1 %	59.5 %	2.5 %	3.3 %
69	71,299	79,386	56.3 %	55.2 %	11.5 %	9.7 %
70	79,380	79,382	61.8 %	56.4 %	8.8 %	11.4 %
71	74,194	80,322	46.3 %	55.3 %	2.8 %	2.4 %
74	80,153	79,594	62.7 %	57.2 %	3.1 %	3.0 %
75	70,454	79,295	55.3 %	55.4 %	1.7 %	1.8 %
77	76,927	79,627	57.6 %	58.8 %	4.0 %	3.9 %
80	70,585	80,705	54.4 %	56.3 %	2.9 %	3.0 %
89	74,259	79,634	53.5 %	55.5 %	4.6 %	4.1 %
90	71,888	80,425	56.9 %	56.6 %	4.0 %	3.4 %
92	71,017	79,659	62.1 %	60.7 %	3.9 %	3.7 %
95	67,882	80,071	61.6 %	60.0 %	3.3 %	5.6 %

Source: Commonwealth of Virginia, Division of Legislative Services Redistricting 2018.
http://redistricting.dls.virginia.gov/2010/RedistrictingPlans.aspx#28
http://redistricting.dls.virginia.gov/2010/RedistrictingPlans.aspx#91

Table 5. Population Moved Into and Out of Challenged Districts

	INTO	OUT OF	KEPT IN SAME HD
Dinwiddie			
HD 63	15,763	9,884	63,839
HD 75	16,930	8,088	62,365
Richmond			
HD 69	21,145	11,998	59,301
HD 70	25,948	25,946	53,434
HD 71	17,421	11,293	62,901
HD 74	15,855	16,414	63,739
Portsmouth			
HD 77	21,308	18,608	58,319
HD 80	32,331	22,211	48,374
Norfolk			
HD 89	17,279	13,701	60,558
HD 90	27,814	18,469	52,611
Hampton			
HD 92	18,115	9,443	61,574
HD 95	30,304	18,115	49,767

Table 6A. Black Voting Age Population of VTDs Into and Out of Challenged Districts under Benchmark and HB5005 Maps			
All VTDs (Whole or Part)			
		HB5005 Map (2011-2015 HDs)	
		In	Out
Benchmark Map (2001-2010 HDs)	In	61.4% (284 VTDs)	29.0% (36 VTDs)
	Out	41.6% (61 VTDs)	14.1% (2,199 VTDs)
Only Whole VTDs			
		HB5005 Map (2011-2015 HDs)	
		In	Out
Benchmark Map (2001-2010 HDs)	In	62.3% (244)	23.7% (21)
	Out	41.4% (27)	13.9% (1,898)

Table 6B. Average Democrat Share of Two Party Vote Among VTDs In and Out of Challenged Districts under Benchmark and HB5005 Maps Average of Federal (President 2008, President 2012, and Senate 2012), Governor 2013			
All VTDs (Whole or Part)			
		HB5005 Map (2012 HDs)	
		In	Out
Benchmark Map (2010 HDs)	In	F=79.9% G=80.5% (284 VTDs)	F=59.4% G=60.0% (36 VTDs)
	Out	F=65.7% G=66.1% (61 VTDs)	F=50.2% G=49.0% (2,199 VTDs)
Only Whole VTDs			
		HB5005 Map	
		In	Out
Benchmark Map	In	F= 80.5% G=81.1% (244)	F=57.7% G=57.9% (21)
	Out	F=65.2% G=66.3% (27)	F=50.0% G=48.9% (1,898)

Table 7. Racial Composition and Voting Patterns of VTDs Kept In, Moved Into, Moved Out of, and Not in 12 Challenged Districts under Benchmark and HB5005 Maps					
	Same HD Same HD Under Benchmark and HB 5005	Moved Between Moved Between Challenged HDs	Moved Into Moved Into Challenged HD From Non-Challenged HD	Moved Out of Moved From Challenged HD Into Non-Challenged HD	Not in Not in A. A. HD Under Benchmark or HB5005
BVAP	62.4%	55.0%	41.6%	29.0%	14.1%
Average Vote Federal Office	80.5%	76.4%	65.8%	59.4%	50.2%
Governor 2013	81.2%	76.3%	66.1%	60.0%	49.0%
% of State Population	8.7%	1.4%	1.9%	0.9%	87.1%
# of VTDs	244	44	61	36	2,198

Table 8. Racial Composition and Voting Patterns of VTDs Moved Into, Moved Out of and Kept in Challenged Districts				
	DINWIDDIE-GREENSVILLE			
	INTO	OUT OF	diff	KEPT IN SAME HD
	HD63			
BVAP	52.0	36.6	15.4	62.0
Average Federal	70.6	56.3	14.3	74.3
	HD 75			
BVAP	37.9	27.1	10.8	58.3
Average Federal	51.0	45.3	5.7	63.7
	RICHMOND			
	HD69			
BVAP	44.7	43.5	1.2	58.0
Average Federal	80.3	70.1	10.2	86.9
	HD 70			
BVAP	43.8	59.9	-16.1	63.4
Average Federal	68.3	85.7	-17.4	86.4
	HD 71			
BVAP	72.1	21.3	50.8	51.5
Average Federal	86.8	70.0	16.8	86.2
	HD74			
BVAP	38.5	56.3	-17.8	62.1
Average Federal	61.6	77.3	-15.7	78.9
	PORTSMOUTH			
	HD 77			
BVAP	44.2	25.9	18.3	67.1
Average Federal	65.6	48.6	17.0	79.8
	HD 80			
BVAP	52.9	47.6	5.3	59.3
Average Federal	71.2	77.2	-6.0	77.4
	NORFOLK			
	HD 89			
BVAP	43.9	41.8	2.1	56.7
Average Federal	72.2	71.0	1.2	83.3
	HD 90			
BVAP	43.3	42.7	0.6	62.8
Average Federal	69.6	65.0	4.6	75.6

	HAMPTON			
	HD 92			
HVAP	47.3	36.8	*10.5*	65.9
Average Federal	69.4	62.2	*7.2*	83.5
	HD 95			
HVAP	43.7	47.3	*-3.6*	68.1
Average Federal	69.4	69.4	*0.0*	81.6

Table 9. Racial Composition and Voting Patterns of VTDs Moved Into, Moved Out of and Kept in Challenged Districts

	DINWIDDIE-GREENSVILLE					
	HD 63					
	INTO		OUT OF			SAME
	From A. A. HDs	From Other HDs	TO A.A. HDs	TO Other HDs	diff	KEPT IN HD
BVAP	66.2	42.3	36.6	–		62.0
Average Federal	86.2	60.0	52.3	–		74.3
	HD75					
BVAP	36.6	39.3	–	27.1		67.1
Average Federal	52.3	49.8	–	45.3		79.8
	RICHMOND					
	HD 69					
BVAP	47.2	34.3	49.0	40.9	8.1	58.0
Average Federal	84.9	61.9	78.9	66.0	12.9	86.9
	HD 70					
BVAP	49.0	42.9	59.9	–		63.4
Average Federal	78.9	66.5	86.7	–		83.6
	HD 71					
BVAP	80.1	13.1	58.1	6.6	51.5	51.5
Average Federal	90.3	72.0	91.8	60.4	31.4	86.2
	HD 74					
BVAP	66.0	21.9	69.0	20.5	48.5	62.1
Average Federal	81.4	49.7	86.3	51.7	34.6	78.9
	PORTSMOUTH					
	HD 77					
BVAP	30.5	67.3	–	25.9		67.1
Average Federal	57.4	79.5		48.6		79.8
	HD 80					
BVAP	52.8	–	78.1	30.4	47.7	59.3
Average Federal	71.2	–	89.3	70.4	18.9	77.4
	NORFOLK					
	HD 89					
BVAP	91.7	27.2	47.4	27.2	20.2	56.7
Average Federal	96.6	63.8	75.6	62.4	13.2	83.3
	HD 90					
BVAP	47.4	40.6	44.6	29.5	15.1	62.8
Average Federal	75.6	65.8	65.9	59.1	6.8	75.6

	HAMPTON					
	HD 92					
BVAP	47.2	–	43.1	35.6	7.5	65.9
Average Federal	69.4	–	67.4	61.1	6.3	83.5
	HD 95					
BVAP	43.1	43.8	47.2	–		68.1
Average Federal	69.6	67.4	69.4	–		81.6

Table 10. Party and Race as Correlates of the likelihood of inclusion of specific VTDs in Minority HDs		
	Simple Correlation	Partial Correlation (Holding Other variables constant)
BVAP	.70*	.25*
VTD In A.A. District Under Benchmark	.87*	.75*
Democrat Vote for President 2008	.50*	.02#
Democrat Vote for President 2012	.52*	.00#
Democrat Vote for US Senate 2012	.52*	.01#
Average Democratic Vote for Federal Office	.52*	.03#
Democrat Vote for Governor 2013	.50*	.05#
#Not holding constant other election variables * Not Statistically Significantly different from 0, with probability <.05.		

Table 11. Party and Race as Predictors of the likelihood of inclusion of VTDs in one of 12 Challenged Districts, Regression estimates (linear probability model)				
	Estimated Coefficient (St. Error)	Estimated Coefficient (St. Error)	Estimated Coefficient (St. Error)	Estimated Effect Coefficient (St. Error)
HVAP	1.021(.032)	.346 (.026)	.352 (.022)	.338 (.024)
VTD in A.A. District Under Benchmark		.725 (.013)	.725 (.013)	.723 (.013)
Average Democratic Vote for Federal Office	.145 (.038)	.039 (.026)		
Democrat Vote for President 2008			.026 (.024)	
Democrat Vote for Governor 2013				.054 (.022)
R-Square	.468	.746	.746	.746
N	2579	2579	2579	2579

Table 12. Party and Race as Predictors of the likelihood of inclusion of VTDs in one of Challenged Districts in each Region,
Regression estimates (linear probability model)

	Dinwiddie-Greensville	Richmond	Portsmouth	Norfolk	Hampton
	Estimated Coefficient (St. Error)	Estimated Coefficient (St. Error)	Estimated Coefficient (St. Error)	Estimated Coefficient (St. Error)	Estimated Coefficient (St. Error)
BVAP	.486 (.178)*	.980 (.260)*	.439 (.210)*	1.384(.390)*	.906 (.489)#
Average Democratic Vote for Federal Office	-.253 (.232)	-.659(.363)	-.348(.288)	-.643 (.421)	-.275 (.639)
In District Under Benchmark	.792 (.042)*	.618 (.078)*	.612 (.061)*	.652 (.121)*	.547 (.090)*
R-Square	.727	.787	.467	.534	.643
N	246	109	158	101	88

* Statistically significantly different from 0 with probability less than .05
\# Statistically significantly different from 0 with probability less than .05

Table 13. Racial Cohesion and Polarization in Voting Patterns in 12 Challenged Districts,
Ecological Regression Estimates of Democrat's Share of Two-Party Vote Among Each Racial Group

	HD 63					
	Black		White		Other	
	Bench	HB5005	Bench	HB5005	Bench	HB5005
Average Federal	1.000	.894	.177	.168	1.000	.972
Governor 2013	.960	1.000	.186	.176	1.000	.690
	HD 69					
Average Federal	1.000	.978	.590	.654	.744	.916
Governor 2013	1.000	.983	.629	.711	.730	.909
	HD 70					
Average Federal	.983	.861	.593	.280	.759	.753
Governor 2013	.981	1.000	.647	.324	.612	.653
	HD 71					
Average Federal	.990	.980	.559	.592	1.000	1.000
Governor 2013	.970	.972	.612	.714	1.000	1.000
	HD 74					
Average Federal	1.000	1.000	.371	.336	.578	.764
Governor 2013	1.000	1.000	.397	.306	.537	.963
	HD75					
Average Federal	.938	.946	.227	.224	.791	.662
Governor 2013	.947	.941	.210	.227	.587	.563
	HD 77					
Average Federal	.995	.987	.325	.383	.552	.588
Governor 2013	1.000	1.000	.278	.298	.723	1.000
	HD 80					
Average Federal	.970	.974	.415	.338	1.000	1.000
Governor 2013	.965	.962	.479	.461	1.000	1.000
	HD 89					
Average Federal	1.000	1.000	.565	.569	.558	.348
Governor 2013	1.000	1.000	.627	.634	.201	.353
	HD 90					
Average Federal	1.000	1.000	.289	.301	1.000	1.000
Governor 2013	1.000	.947	.238	.308	1.000	1.000
	HD 92					
Average Federal	1.000	1.000	.290	.369	1.000	1.000
Governor 2013	.948	.942	.216	.304	1.000	1.000
	HD 95					
Average Federal	1.000	.989	.435	.265	.201	1.000
Governor 2013	1.000	1.000	.405	.256	.360	.972

Table 14. Election Returns VA House.
Winning Party and Democrat's Share of Two-Party Vote,
in Challenged House Districts, In 2007, 2009, 2011, and 2013

	Benchmark		HB5005	
District Number	2007 Winner (%)	2009 Winner (%)	2011 Winner (%)	2013 Winner (%)
63	D (U)	D (U)	D (U)	D (U)
69	D (83%)	D (72%)	D (U)	D (U)
70	D (U)	D (78%)	D (U)	D (U)
71	D (U)	D (82%)	D (U)	D (88%)
74	D (U)	D (76%)	D (73%)	D (U)
75	D (U)	D (U)	D (66%)	D (62%)
77	D (U)	D (U)	D (U)	D (U)
80	D (U)	D (69%)	D (U)	D (U)
89	D (U)	D (69%)	D (U)	D (U)
90	D (U)	D (67%)	D (U)	D (U)
92	D (U)	D (U)	D (U)	D (U)
95	D (U)	D (U)	D (U)	D (77%)

U = Unopposed by a major party candidate

Table 14A. Election Returns for President. Democrat Candidate's Share of Two-Party (Democrat Plus Republican) Vote, Challenged House Districts Under the Benchmark and HB5005 Maps				
	President 2008		President 2012	
District Number	Benchmark	HB5005	Benchmark	HB5005
63	71%	71%	71%	73%
69	84%	86%	84%	87%
70	85%	78%	85%	78%
71	83%	87%	83%	88%
74	80%	74%	79%	75%
75	63%	63%	62%	62%
77	75%	76%	73%	76%
80	78%	74%	78%	75%
89	80%	82%	80%	81%
90	77%	78%	77%	78%
92	81%	78%	82%	79%
95	78%	77%	79%	77%

Table 14B. Election Returns for US Senate and Governor. Democrat's Share of Two-Party Vote, Challenged House Districts Under the Benchmark and HB5005 Maps				
	US Senate 2012		Governor 2013	
District Number	Benchmark	HB5005	Benchmark	HB5005
63	70%	72%	70%	71%
69	84%	85%	85%	87%
70	84%	79%	85%	80%
71	83%	87%	85%	89%
74	79%	75%	80%	75%
75	61%	61%	60%	61%
77	73%	75%	76%	77%
80	78%	75%	80%	77%
89	80%	81%	81%	82%
90	76%	77%	76%	78%
92	81%	79%	81%	80%
95	78%	78%	78%	76%

Table 15. Racial Voting Patterns Statewide, in Challenged HDs, and in Non-Challenged HDs, Ecological Regression Estimates of Democrat's Share of Two-Party Vote Among Each Racial Group**

	Entire State of Virginia		
Democrat Vote Share	Black	White	Other
President 2008	.949	.340	.970
President 2012	.980	.300	.989
US Senate 2012	.952	.333	.974
Average Federal	.970	.336	.970
Governor 2013	.967	.313	1.000
State House 2011*	.825	.278	.649
State House 2013*	.899	.251	.918

	VTDs in Challenged House Districts (HDs 63, 69, 70, 71, 74, 75, 77, 80, 89, 90, 92, 95)					
	Black		White		Other	
	Bench	HB5005	Bench	HB5005	Bench	HB5005
President 2008	.853	.984	.341	.316	.986	1.000
President 2012	.983	.935	.394	.387	1.000	1.000
US Senate 2012	.958	.920	.422	.416	1.000	1.000
Average Federal	.977	.978	.397	.389	1.000	1.000
Governor 2013	.976	.969	.419	.345	1.000	1.000
State House 2011*	.889	.887	.472	.565	1.000	1.000
State House 2013*	.939	.926	.354	.453	1.000	1.000

	VTDs in Other House Districts (not HDs 63, 69, 70, 71, 74, 75, 77, 80, 89, 90, 92, 95)					
	Black		White		Other	
	Bench	HB5005	Bench	HB5005	Bench	HB5005
President 2008	.860	.984	.340	.326	.987	1.000
President 2012	.908	.898	.312	.314	1.000	1.000
US Senate 2012	.873	.862	.338	.340	.996	.997
Average Federal	.888	.805	.332	.333	.991	.992
Governor 2013	.855	.811	.313	.301	1.000	1.000
State House 2011*	.633	.487	.284	.296	.730	.773
State House 2013*	.745	.682	.262	.265	.949	.963

* Contested Races Only